

# TITLES

OF

## ACTS PASSED BY THE LEGISLATIVE COUNCIL OF INDIA,

IN THE YEAR 1861.

- ACT NO. I—An Act for the improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature in Bombay.
- „ II, to amend Act VI of 1857 (for the acquisition of land for public purposes).
- „ III, to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin.
- „ IV, for the levy of Port-dues at Calingapatam and Munsoorcottah within the Presidency of Fort St. George.
- „ V, for the Regulation of Police.
- „ VI, to alter the time from which the Indian Penal Code shall take effect.
- „ VII, to empower the Governor General in Council to increase the rate of Duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay.
- „ VIII, for the levy of Port-dues in the Port of Amherst.
- „ IX, to amend the law relating to Minors.

- „ X, to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.
- „ XI, to amend Act XIV of 1859 (to provide for the limitation of suits.)
- „ XII, to amend Act XLII of 1860.
- „ XIII, to regulate temporarily the procedure of the Police enrolled under Act V of 1861 (for the regulation of Police.)
- „ XIV, to remove certain tracts of Country in the Rohilkund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.
- „ XV, for the levy of Port-dues in the Ports of the Concan.
- „ XVI, for licensing and regulating Stage Carriages.
- „ XVII, to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces.)
- „ XVIII, for imposing a Duty on Arts, Trades, and Dealings.
- „ XIX, to provide for a Government Paper Currency.
- „ XX, to amend Act XXV of 1858 (for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay).
- „ XXI, for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860).
- „ XXII, to amend Act III of 1857 (relating to trespasses by Cattle.)
- „ XXIII, to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

- „ XXIV, to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.
- „ XXV, for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.
- „ XXVI, to regulate the occupation of land in the Settlement of Malacca.
- „ XXVII, to regulate the administration of Port Blair and other Settlements in the Andaman Islands.
- „ XXVIII, to extend the provisions of Act I of 1859 (for the amendment of the Law relating to Merchant Seamen.)
- „ XXIX, to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.
- „ XXX, to enable the Bengal Military Orphan Society to register under Act XXI of 1860 (for the Registration of Literary, Scientific, and Charitable Societies.)
- „ XXXI, to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.
- „ XXXII, to postpone the operation of a portion of Clause 8 Section I of Act XIV of 1859 (to provide for the Limitation of Suits).
- „ XXXXIII, to amend the Schedule annexed to the Code of Criminal Procedure.





ACT No. I OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 12th January 1861.)

*An Act for the improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature in Bombay.*

WHEREAS it is expedient to effect an improvement in the administration of justice, and despatch of business in the Supreme Court of Judicature in Bombay ; It is enacted as follows :—

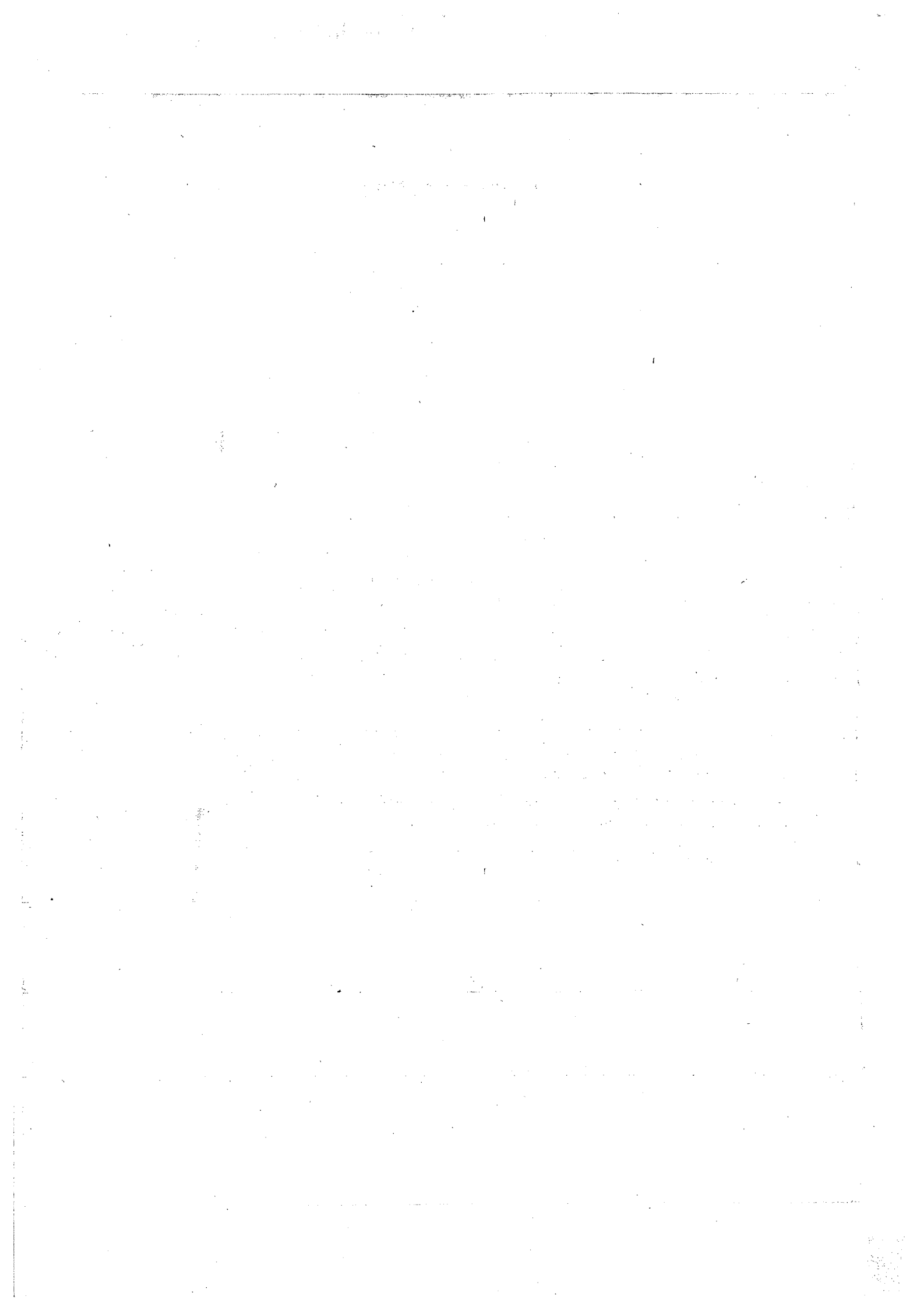
Preamble,

I. From and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court, for the despatch of the Plea Side or the Equity or other business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court, shall be sitting for the despatch of business of any description in the said Supreme Court : and all proceedings whatever so had by and before such Judge so sitting apart for the purpose aforesaid, shall be good, valid, and effectual in law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court.

Single Judges may sit separately for the despatch of certain business.

II. The said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions herein contained.

Power to frame Rules.



ACT No. II OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 20th January 1861.)

An Act to amend Act VI of 1857 (for the acquisition of land for public purposes).

Preamble. WHEREAS it is expedient to amend Act VI of 1857  
(for the acquisition of land for public purposes): It is  
enacted as follows:—

Sections repealed. I. Sections IX and XXXVII of Act VI of 1857 are  
hereby repealed.

II. Within the Presidency Towns of Calcutta, Madras, and Bombay,  
and within the Settlement of Prince of Wales' Island,  
Singapore, and Malacca, if the Collector or other Officer  
is opposed or impeded in taking possession, under Act VI  
of 1857, of land required for public purposes, he shall apply to the Commis-  
sioner of Police of the Town or Station, who shall enforce the surrender  
of the land.

III. The powers conferred by Act VI of 1857 shall extend, in the case  
of any Road, Canal, or Railway, to authorize the temporary  
occupation of any land not more than one hundred yards  
from the centre line of the Road, Canal, or Railway as marked on the ground,  
for taking earth or other materials for making or repairing the Road, Canal, or  
Railway, or for depositing thereon superfluous earth or other materials, or  
erecting temporary buildings and workshops thereon; and of any land which  
may

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may be needed for making temporary Roads or Railways from any public road or any navigable river to the intended line of Railway: and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

Compensation for temporary occupation and for permanent damage.

IV. When the local Government shall be satisfied that in any special case the provisions of the last preceding Section of this Act are inadequate for the purpose of taking ballast or of brick-making, or of quarrying for building stone or lime stone, and that it is expedient that land should be temporarily occupied beyond the limits prescribed in the said last preceding Section, it shall be competent to the local Government to extend the provisions of that Section to any uncultivated land situated within two miles from the centre line of the Road, Canal, or Railway, provided that the land to be so occupied be not worked or used by the owner or any other person in occupation thereof for the purpose or purposes in this Section mentioned, at the time that a declaration shall be made with respect to the land aforesaid, under the provisions of Section II of Act VI of 1857.

Occupation and use of adjacent land beyond the limits prescribed in preceding Section.

V. In any case in which the local Government shall exercise the power vested in it by the last foregoing Section, it shall be competent to the person or all the persons to whom compensation would be payable, at any time before he or they shall have agreed to the compensation awarded by the Collector or other Officer, or before the Collector or other Officer shall have referred the matter to arbitration, to require the land in question to be permanently taken, and the value thereof to be awarded in the manner prescribed in Sections V and VI of Act VI of 1857. Such person or persons shall make an application in writing to the Collector or other Officer on behalf of Government, and on receipt thereof the Collector shall be bound to take the land on behalf of Government as required, or forego the temporary occupation of the same.

Owner may in certain cases require the land to be permanently occupied.

Construction.

VI. This Act shall be read with and taken as a part of Act VI of 1857.



ACT No. III of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 28th January 1861.)

*An Act to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin.*

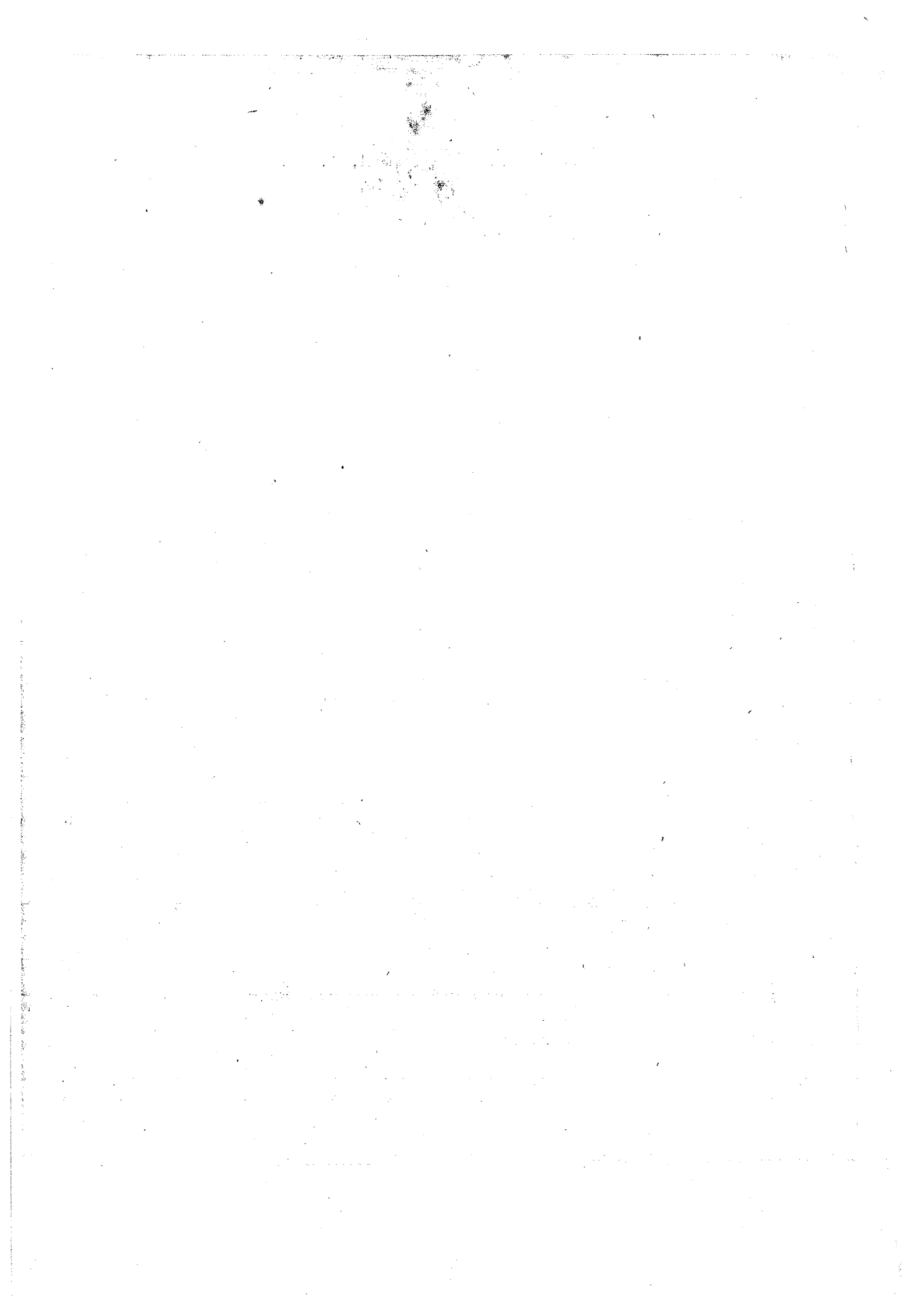
WHEREAS serious affrays have occurred in attempts to smuggle Pepper, the produce of the States of Travancore and Cochin, in consequence of the monopoly which the Governments of those States maintain in that article; and whereas the Rajahs of those States are willing to abandon the said monopoly and to substitute a system of export Duty; and whereas it is necessary, in order to an effectual establishment of such system, that the same rate of Duty as is collected on the export of Pepper from Travancore and Cochin should be collected on behalf of the said States at the British Port of Cochin; It is enacted as follows:—

Preamble.

I. On and after the 1st day of January 1861, in lieu of the Duty prescribed in Act X of 1860, there shall be levied a Duty of fifteen Rupees a candy on all Pepper exported by sea from the Port of Cochin; provided that the said Duty shall not be levied on the re-exportation of any Pepper which may have been imported by sea at the said Port from any British possession.

II. At the close of each calendar year, or as soon after as may be convenient, the Collector of Customs shall pay to the Governments of Travancore and Cochin the whole amount of Duty collected under the provisions of the last preceding Section, after deducting all expenses of collection, in such proportions and in such manner as may be ordered by the Governor in Council of Fort Saint George.

Appropriation of surplus Duty.



ACT No. IV of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 18th February 1861.)

*An Act for the levy of Port-dues at Calingapatam and Munsoorcottah within the Presidency of Fort St. George.*

WHEREAS it is necessary to fix the amount of Port-dues to be hereafter levied and taken, in accordance with the provisions of Act XXII of 1855, in the Ports of Calingapatam and Munsoorcottah, being Ports within the Presidency of Fort St. George; It is enacted as follows :—

Preamble.

I. Port-dues at a rate not exceeding the rate of one anna for every ton of burden shall be chargeable in respect of every sea-going vessel of the burden of twenty tons and upwards, other than Dhonies and country vessels employed in the coasting trade, which shall enter either of the said Ports.

Port-dues on sea-going vessels of 20 tons and upwards, other than Dhonies and country vessels, entering Port.

Port-dues shall be chargeable in respect of Dhonies and vessels employed in the coasting trade at a rate equal to one half the rate chargeable in respect of other vessels.

Port-dues on Dhonies and country vessels.

Port-dues to be chargeable only once in sixty days in respect of the same vessel.

II. Provided that no dues as aforesaid shall be chargeable at either of the said Ports oftener than once in sixty days in respect of the same vessel.

No Port-due on vessels leaving Port within 48 hours without discharging or taking in cargo.

III. Vessels entering either of the said Ports and leaving such Port within forty-eight hours without discharging or taking in any cargo or passenger therein, shall

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Port-due on vessels leaving Port within seven days without discharging or taking in cargo. shall not be charged with any port-due, and vessels so entering and departing as aforesaid within seven days shall be charged one half only of the Port-dues which would otherwise be chargeable.

IV. Vessels entering either of the said Ports in ballast shall be charged with three-fourths only of the Port-due which would otherwise be chargeable.  
Port-due on vessels entering Port in ballast.

V. This Act shall commence and have effect from the first day of March 1861; and until this Act comes into effect, Port-dues may continue to be levied at the said Ports under the rules and at the rates now in force.  
Commencement of Act.

VI. The local Government shall, on or before the first day of March 1861, pursuant to Section XLII Act XXII of 1855, declare, by Notification to be published in the Fort Saint George Gazette, the rates at which Port-dues shall be levied in the said Ports subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port-dues shall be levied at either of the said Ports except under the authority of Act XXII of 1855 and of this Act.  
Rates of Port-dues to be published.  
No other Port-dues to be levied.

VII. This Act shall be read with and taken as a part of Act XXII of 1855.  
Act to be read as part of Act XXII of 1855.

ACT No. V OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 22nd March 1861).

*An Act for the Regulation of Police.*

Preamble. WHEREAS it is expedient to re-organize the Police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows:—

Interpretation. I. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with such executive administration is styled.

"Magistrate." The word "Magistrate" shall include all persons within the General Police District, exercising all or any of the powers of a Magistrate.

"Police." The word "Police" shall include all persons who shall be enrolled under this Act.

"General Police District." The words "General Police District" shall embrace any Presidency, Province, or place, or any part of any Presidency, Province, or place in which this Act shall be ordered to take effect.

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"Property." The word "Property" shall include any moveable property, money, or valuable security.

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

"Person." The word "person" shall include a Company or Corporation.

"Month." The word "month" shall mean a calendar month.

"Cattle." The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

II. The entire Police establishment under a Local Government shall, for the purposes of this Act, be deemed to be one Police Force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the Local Government, subject to the sanction of the Governor-General of India in Council.

III. The superintendence of the Police throughout a General Police District shall vest in and, subject to the general control of the Governor-General of India in Council, shall be exercised by the Local Government to which such District is subordinate; and except as authorized under the provisions of this Act, no person, Officer, or Court shall be empowered by the Local Government to appoint, supersede, or control any Police Functionary.

IV. The administration of the Police throughout a General Police District shall be vested in an Officer to be styled the Inspector General of Police, and in such Deputy Inspectors General, and Assistant Inspectors General, as to the Local Government shall seem fit.

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The administration of the Police throughout the local jurisdiction of the Magistrate of the District shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the Local Government shall consider necessary. The Inspector General and other Officers abovementioned shall from time to time be appointed by the Local Government, and may be removed by the same authority.

V. The Inspector General of Police shall have the full powers of a Magistrate throughout the General Police District; but shall exercise those powers subject to such limitation as may from time to time be imposed by the Local Government.

Inspector General to have powers of a Magistrate.  
To exercise them under the orders of Government.

VI. The Local Government may vest any Deputy Inspector General, Assistant Inspector General, District Superintendent, or Assistant District Superintendent of Police with all or any of the powers of a Magistrate within such limits as it may deem proper; but such Officers respectively shall exercise the powers with which they shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and, so far as may be necessary, for the performance of the duties assigned to them by this Act.

Deputy Inspectors General &c. may be vested with powers of a Magistrate.  
In what cases those powers shall be exercised.

VII. The appointment of all Police Officers other than those mentioned in Section IV of this Act shall, under such rules as the Local Government shall from time to time sanction, rest with the Inspector General, Deputy Inspectors General, Assistant Inspectors General, and District Superintendents of Police, who may, under such rules as aforesaid, at any time dismiss, suspend, or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same, or fine any Police Officer to any amount not exceeding one month's pay who shall discharge his duty in a careless or negligent manner or who by any act of his own shall render himself unfit for the discharge thereof.

Inspector General &c. to appoint and dismiss.

VIII. Every Police Officer, so appointed, shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector General or such other Officer as the Inspector

Police Officers to receive certificates of Office.

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Inspector General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed or otherwise removed from employment in the Police Force, and shall be immediately surrendered to the Superior Officer of such person or to some other Officer empowered to receive the same.

IX. No Police Officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other Officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his Office unless he shall have given to his Superior Officer notice in writing, for a period of not less than two months, of his intention to resign.

Police Officers not to resign without leave or two months' notice.

X. No Police Officer shall engage in any employment or Office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector General.

Police Officers not to engage in other employment.

XI. There shall be deducted from the pay of every Police Officer of a Class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Local Government shall direct, not being a greater rate than one anna in the Rupee. The sum so deducted, together with the amount of any saving from the stoppages from the pay of Police Officers during absence from sickness or other cause, and of fines imposed on Police Officers for misconduct and by Magistrates upon drunken persons, or for assaults upon Police Officers, and any money arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other source which shall be authorized by the Local Government, shall, from time to time, be invested in such manner and in such securities as the Local Government may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid and accumulate, so as to form a Fund to be called "The Police Superannuation Fund," and shall be applied from time to time to the payment of superannuation or retiring allowances or gratuities, under such rules as may be passed by such Local Government. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no

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Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

XII. The Inspector General of Police may, from time to time, subject to the approval of the Local Government, frame such orders and rules as he shall deem expedient, relative to the organization, classification, and distribution of the Police Force, the places at which the Members of the Force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the Police Force as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such Force efficient in the discharge of its duties.

XIII. It shall be lawful for the Inspector General of Police, or any Deputy Inspector General, or Assistant Inspector General, or for the District Superintendent, subject to the general direction of the Magistrate of the District, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, and for such time as shall be deemed proper. Such Force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application. Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General, Deputy Inspector General, or Assistant Inspector General or to the District Superintendent, to require that the Police Officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XIV. Whenever any Railway, Canal, or other public work, or any manufactory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General that the employment of an additional Police Force in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory, or concern, it shall be lawful for the Inspector General, with

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the consent of the Local Government, to depute such additional Force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time upon the person having the control or custody of the Funds used in carrying on such work, manufactory, or concern, for the payment of the extra Force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

XV. It shall be lawful for the Inspector General of Police, with the sanction of the Local Government, to be notified by proclamation in the Government Gazette, and in such other manner as the Local Government shall direct, to employ any Police Force in excess of the ordinary fixed complement to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state, or in any part of the General Police District in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the part of the country described in the notification shall be charged with the cost of such additional Police Force, and the Magistrate of the District, after enquiry if necessary, shall assess the proportion in which the amount is to be paid by the inhabitants according to his judgment of their respective means.

XVI. All monies payable under the last three preceding Sections, on account of any additional Police Force employed as therein directed, shall be recoverable, under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the District of such Magistrate, or by suit in any competent Court; and the monies paid on this account or so recovered shall be credited to a Fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Local Government shall pass.

XVII. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the Police Force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly, or riot, or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Police Officer not below the

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the rank of Inspector to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such Police Officer may require to act as Special Police Officers for such time and within such limits as he shall deem necessary ; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

Powers of Special Police Officers. XVIII. Every Special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

Refusal to serve as Special Police Officers. XIX. If any person being appointed a Special Police Officer as aforesaid shall, without sufficient excuse, neglect, or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience.

Authority to be exercised by Police Officers. XX. Police Officers, enrolled under this Act, shall not exercise any authority, except the authority provided for a Police Officer under this Act and any Act which shall hereafter be passed for regulating Criminal Procedure.

Village Police Officers. XXI. Nothing in this Act shall affect any Hereditary or other Village Police Officer, unless such Officer shall be enrolled as a Police Officer under this Act. When so enrolled, such Officer shall be bound by the provisions of the last preceding Section. No Hereditary or other Village Police Officer shall be enrolled without his consent and the consent of those who have the right of nomination. If any Police Officer appointed under Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeedars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal*) is employed out of the District for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that District.

Police Officers to be considered always on duty and may be employed in any part of the General Police District. XXII. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a Police Officer in any part of the General Police District.

XXIII. It

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XXIII. It shall be the duty of every Police Officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists: and it shall be lawful for every Police Officer, for any of the purposes mentioned in this Section, without a warrant, to enter and inspect any drinking shop, gaming house, or other place of resort of loose and disorderly characters.

Duties of Police Officers.

XXIV. It shall be lawful for any Police Officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person committing an offence, and to prosecute such person up to final judgment.

Police Officer may lay informations, &c.

XXV. It shall be the duty of every Police Officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the District. The Police Officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the District.

Police Officers to take charge of unclaimed property, and to be subject to Magistrate's orders as to the disposal of it.

XXVI. The Magistrate of the District may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

Magistrate may detain property and issue proclamation.

XXVII. If no person shall within the period allowed claim such property, it may be sold under the orders of the Magistrate of the District and the proceeds shall be at the disposal of Government.

Confiscation of property if no claimant appear.

XXVIII. Every person, having ceased to be an enrolled Police Officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments, and other necessaries which shall have been supplied to him

Persons refusing to deliver up certificate &c. on ceasing to be Police Officers.

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him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or to both.

XXIX. Every Police Officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or Penalties for neglect of duty, &c. lawful order made by competent Authority; or who shall withdraw from the duties of his Office without permission, or without having given previous notice for the period of two months; or who shall engage without authority in any employment other than his Police duty; or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labor, for a period not exceeding three months, or to both.

XXX. The District Superintendent and Assistant District Superintendent of Police may, as occasion requires, direct the conduct of Regulation of public procession, &c. all assemblies and processions on the public roads, or in the public streets, or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. They may also regulate the use of music in the streets on the occasion of festivals and ceremonies.

XXXI. It shall be the duty of the Police to keep order on the public Police to keep order in public roads, &c. roads, and in the public streets, thoroughfares, ghauts, and landing places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, street, thoroughfare, ghaut, or landing place may be thronged or may be liable to be obstructed.

XXXII. Every person opposing, or not obeying the orders issued under Penalty for disobeying orders issued under last two Sections, &c. the last two preceding Sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees.

XXXIII. Nothing

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Control of the Magistrate of the District under last three Sections.

XXXIII. Nothing in the last three preceding Sections shall be deemed to interfere with the general control of the Magistrate of the District over the matters referred to therein.

XXXIV. Any person who, on any road or in any street or thoroughfare within the limits of any Town to which this Section shall be specially extended by the Local Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days ; and it shall be lawful for any Police Officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:—

*First.* Any person who slaughters any cattle or cleans any carcass ; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle.

Slaughtering cattle, furious riding, &c.

*Second.* Any person who wantonly or cruelly beats, abuses, or tortures any animal.

Cruelty to animals.

*Third.* Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public.

Obstructing passengers.

*Fourth.* Any person who exposes any goods for sale.

Exposing goods for sale on roads.

*Fifth.* Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials ; or who constructs any cowshed, stable, or the like, or who causes any offensive matter to run from any house, factory, dung-heap, or the like.

Throwing dirt into street.

Being found drunk in any thoroughfare.

*Sixth.* Any person who is found drunk or riotous, or who is incapable of taking care of himself.

*Seventh.* Any

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*Seventh.* Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.

Indecent exposure of person.

*Eighth.* Any person who neglects to fence in, or duly to protect any well, tank, or other dangerous place or structure.

Neglect to protect dangerous places.

XXXV. In all cases of convictions under this Act the Officer trying the case shall be limited to his ordinary jurisdiction as to the amount of fine or imprisonment which he may inflict; provided that any charge against a Police Officer above the rank of a Constable under this Act shall be enquired into and determined only by an Officer exercising the powers of a Magistrate.

Jurisdiction.

Proviso.

XXXVI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

Power to prosecute not affected.

Proviso.

XXXVII. All forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of the jurisdiction of the Magistrate of the District, by warrant under the hand of the Magistrate who made the order.

Levy of forfeiture and penalties by distress.

XXXVIII. In case any such forfeiture or penalty shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to warrant of distress.

XXXIX. If

ACT No. V OF 1861.

XXXIX. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XL. If the offender be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

XLI. All sums paid for the service of process by Police Officers, and all rewards, forfeitures, and penalties or shares of rewards, forfeitures, and penalties which by law are payable to informers, shall, when the information is laid by a Police Officer, be paid into the General Police Fund.

XLII. All actions and prosecutions against any person, which may be lawfully brought for any thing done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the District in which the act was committed, one month at least before the commencement of the action. No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have



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have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held, shall certify his approbation of the action. Provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

XLIII. When any action or prosecution shall be brought or any proceedings held against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine. Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by any thing contained in this Section.

XLIV. It shall be the duty of every Officer in charge of a Police Station to keep a General Diary in such form as shall, from time to time, be prescribed by the Local Government, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined. The Magistrate of the District shall be at liberty to call for and inspect such Diary.

XLV. The Local Government may direct the submission of such Returns by the Inspector General and other Police Officers as to such Local Government shall seem proper, and may prescribe the form in which such Returns shall be made.

XLVI. This Act shall not take effect in any Presidency, Province, or place, unless the same shall be extended to such Presidency, Province, or place by the Governor-General of India in Council by an order to be published in the Government Gazette. When

ACT No. V OF 1861.

the Act shall have been so extended it shall be carried into effect in such Presidency, Province, or place as the Local Government, by an order to be published in the Official Gazette, shall direct.

XLVII. It shall be lawful for the Local Government, in carrying this Act into effect in any part of the territories subject to such Local Government, to declare that any authority which now is or may be exercised by the Magistrate of the District over any Village Watchman or other Village Police Officer for the purposes of Police, shall be exercised, subject to the general control of the Magistrate of the District, by the District Superintendent of Police.

Authority of District Superintendent of Police over Village Police.

FORM (*See Section VIII.*)

A. B. has been appointed a Member of the Police Force, under Act V. of 1861, and is vested with the powers, functions, and privileges of a Police Officer.

ACT No. VI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 9th April 1861.)*

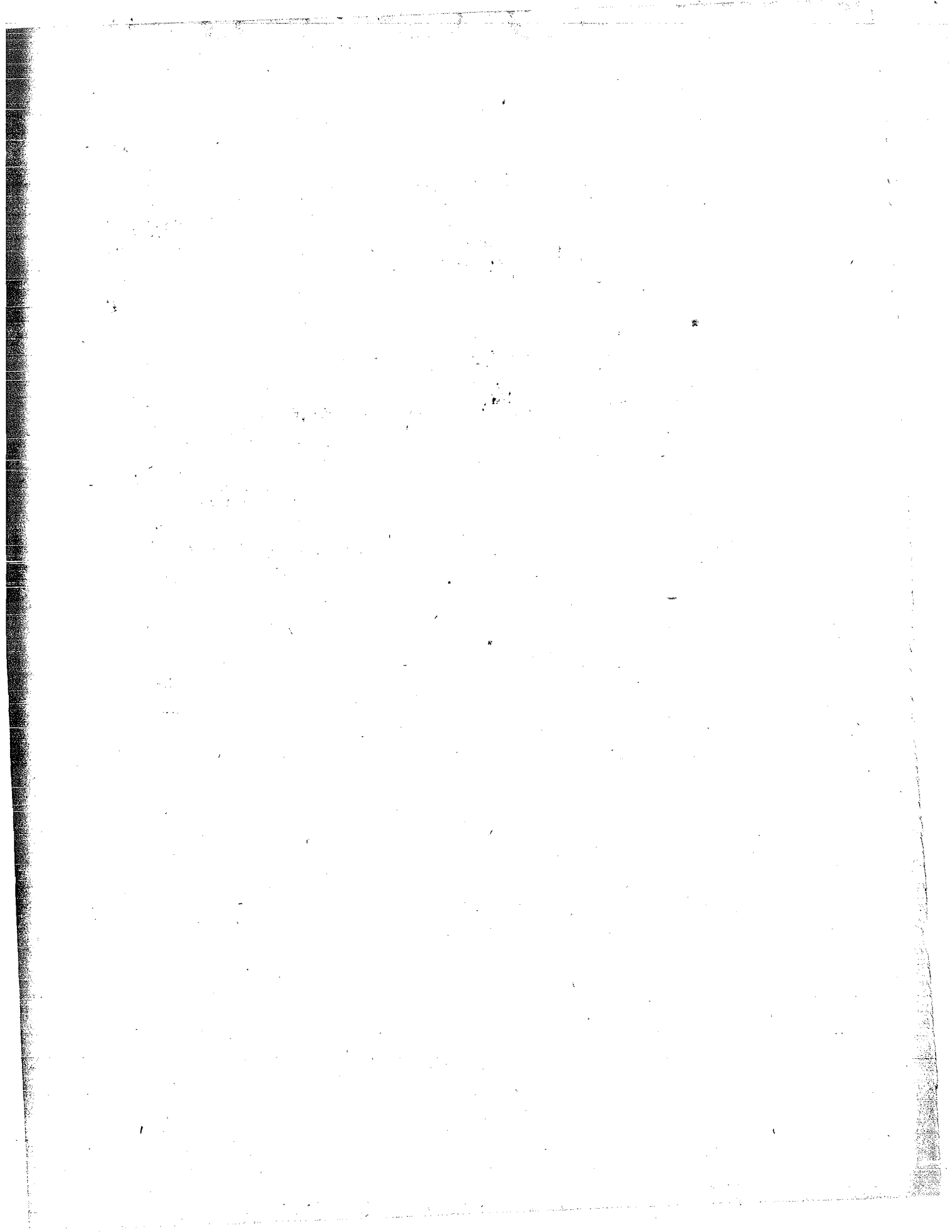
*An Act to alter the time from which the Indian Penal Code shall take effect.*

Penal Code to take effect  
on 1st January 1862.

I. Act XLV of 1860, called the Indian Penal Code, shall not take effect until the first day of January 1862, and shall take effect on and from that day.

Construction.

II. Every part of the said Act, in which the first day of May 1861 is mentioned, shall be read and construed as if the first day of January 1862 had been mentioned therein, instead of the first day of May 1861.



ACT No. VII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 22nd April 1861.)

*An Act to empower the Governor General in Council to increase the rate of duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay.*

WHEREAS it has been found to be expedient to increase the rate of duty to be levied on Salt manufactured in, or imported either by sea or by land into, the Presidency of Bombay; It is enacted as follows:—

I. So much of Sections II and VI of Act XVI of 1844, and of Section I of Act XXXI of 1850, and of the Schedule to Act XXII of 1859, as prescribe the levy of a duty of one Rupee per maund on Salt, manufactured in, or imported into, the Bombay Presidency, is repealed.

II. It shall be lawful for the Governor General in Council to order the levy, from and after the passing of this Act, of an Excise duty not exceeding one Rupee and eight annas per maund on Salt manufactured in, and a Customs duty not exceeding one Rupee and eight annas per maund on Salt imported either by sea or by land into, any part of the Bombay Presidency.

III. The

ACT No. VII OF 1861.

III. The order issued by the Governor General of India in Council on the 13th day of April 1861, authorizing an increase of duty within the limit aforesaid, shall have the same force and effect as if it had been issued after the passing of this Act.

Order issued by the Governor General in Council on 13th April 1861, authorizing increase of duty, ratified.

IV. Every Collector of Customs or other Officer is hereby indemnified for every thing done on or after the said 13th day of April 1861, in collecting or enforcing the duty imposed under the provisions of this Act, or by virtue of the said order of Government, or in otherwise carrying this Act into effect, and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

Indemnity.

ACT No. VIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th April 1861.)

*An Act for the levy of Port-dues in the Port of Amherst.*

WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in the Port of Amherst in accordance with the provisions of Act XXII of 1855 (*relating to Ports and Port-dues*); It is enacted as follows :—

Preamble.

Port-due chargeable on sea-going vessels of ten tons and upwards entering the Port.

I. A Port-due at a rate not exceeding the rate of two annas per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter the said Port.

II. When any vessel enters the said Port, being driven in by stress of weather, or in consequence of having sustained any damage, or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for the purpose of repair), the Port-due chargeable in respect of such vessel shall be at a rate equal to one half the rate chargeable in respect of other vessels.

Rate of Port-due on vessels compelled by stress of weather to enter Port.

III. Provided that, when any vessel having left the said Port is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

No Port-due on vessels compelled by stress of weather to re-enter Port.

PRICE 6 PIES.

ACT No. VIII OF 1861.

No vessel to pay the Port-due oftener than once in sixty days.

IV. No vessel shall be required to pay the Port-due chargeable under this Act oftener than once in sixty days.

V. This Act shall commence and have effect from and after the 1st day of July 1861: and the local Government shall on or before that date, pursuant to Section XLII of the said Act XXII of 1855, declare, by notification to be published in the Calcutta Gazette, the rates at which Port-dues shall be levied in the said Port, subject to the provisions of and within the limits prescribed by this Act; and from and after the said date no Port-due shall be levied at the said Port except under the authority of the said Act XXII of 1855 and of this Act.

Rates of Port-dues to be published.

No Port-due to be levied except under Act.

Act to be read as part of Act XXII of 1855.

VI. This Act shall be read with and taken as a part of the said Act XXII of 1855.



ACT No. IX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 24th April 1861.)

*An Act to amend the law relating to Minors.*

WHEREAS it is expedient to amend the Law for hearing suits relative to the custody and guardianship of minors; It is enacted as follows :—

Preamble.

I. Any relative or friend of a minor who may desire to prefer any claim in respect of the custody or guardianship of such minor may make an application by petition, either in person or by a duly constituted agent, to the principal Civil Court of original jurisdiction in the district by which such application, if preferred in the form of a regular suit, would be cognizable, and shall set forth the grounds of his application in the petition. The Court, if satisfied by an examination of the Petitioner or his agent, if he appear by agent, that there is ground for proceeding, shall give notice of the application to the person named in the petition as having the custody or being in the possession of the person of such minor, as well as to any other person to whom the Court may think it proper that such notice should be given, and shall fix as early a day as may be convenient for the hearing of the petition and the determination of the right to the custody or guardianship of such minor.

Application.

II. The Court may direct that the person having the custody or being in possession of the person of such minor shall produce him or her in Court or in any other place appointed by the Court on the day fixed for the hearing of the petition or at any other time, and may make such order for the temporary custody and protection of such minor as may appear proper.

Production, and temporary custody and protection, of minor.

ACT No. IX OF 1861.

III. On the day appointed for the hearing of the petition or as soon after  
Court, after hearing statements of the parties, &c., to make order regarding custody or guardianship of minor. as may be practicable, the Court shall hear the statements of the parties or their agents if they appear by agents, and such evidence as they or their agents may adduce, and thereupon shall proceed to make such order as it shall think fit in respect to the custody or guardianship of such minor and the costs of the case.

IV. In cases instituted under this Act, the Court shall be guided by the  
Procedure. procedure prescribed in Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) in so far as the same shall be applicable and material; and any order made by the Court may be enforced as if such order had been made in a regular suit.

V. An appeal shall lie to the Sudder Court from any order made by a  
Appeal. lower Court under this Act, under the rules applicable to regular appeals to such Sudder Court, except that the petition of appeal may be written on a stamp paper of the value prescribed for petitions to the Sudder Court.

Orders passed under this Act not liable to be contested in a regular suit. VI. Any order passed under this Act in respect to the custody or guardianship of a minor, shall not be liable to be contested in a regular suit.

VII. Nothing in this Act shall be taken to interfere with the jurisdiction  
Saving of laws. exercised under the Laws in force by any Supreme Court of Judicature or the Courts of Wards; or under Act XXI of 1855 (*for making better provision for the education of male minors and the marriage of male and female minors, subject to the superintendence of the Court of Wards in the Presidency of Fort Saint George*), and Act XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*).

VIII. The term "Sudder Court" in this Act shall denote the Highest  
Interpretation. Court of Appeal in any part of the British territories in India.

ACT No. X OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 29th April 1861.)

*An Act to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.*

WHEREAS by Act VIII of 1859 a Code of Procedure is provided for the Courts of Civil Judicature not established by Royal Charter; and whereas it is enacted by Section 387 of the said Act that the Act shall come into operation in the Presidency of Bengal from the 1st day of July 1859, and in the Presidencies of Madras and Bombay from the 1st day of January 1860, or from such earlier day as the Local Government in those Presidencies respectively shall fix and shall publicly notify in the Gazette of the Presidency, three months at least before the date so fixed. And it is also enacted by Section 385 of the said Act, that the Act shall not take effect in any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, until the same shall be extended thereto by the Governor-General of India in Council or by the Local Government to which such territory is subordinate, and notified in the Gazette; and whereas it is expedient to repeal in the manner hereinafter provided, certain Regulations and Acts and parts of Regulations and Acts relating to the Procedure of the said Courts; It is enacted as follows:—

I. In the Presidencies of Bengal, Madras, and Bombay, and in any other part of the British territories in India to which Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) has been or shall be extended before the 1st May 1861, the several Regulations and Acts and parts of Regulations and Acts set forth in the Schedule hereto, except in so far as they repeal the whole or any part of any other Regulation or Act, shall to the extent expressed in the said Schedule be repealed from the said 1st May 1861, and so far as they relate to any part of the said territories to which the said Act VIII of 1859 has not been extended, then from the time when the said Act shall be extended to such part by a Notification in the Gazette by the Governor General of India in Council, or by the Local Government to which such territory is subordinate.

ACT No. X OF 1861.

SCHEDULE OF REGULATIONS AND ACTS REPEALED.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of repeal.
Act V of 1836 .....	... ..	The whole Act.
Act XI of 1836 .....	... ..	In so far as the Act is applicable to any suit or other proceeding under Act VIII of 1859.
Act XXIV of 1836	... ..	Section V in so far as the Section is applicable to any suit or other proceeding under Act VIII of 1859.
Act III of 1837.....	... ..	The whole Act.
Act XXV of 1837...	... ..	Sections III and IX.
Act XXXV of 1837	... ..	The whole Act.
Act VII of 1838 ...	... ..	The whole Act.
Act XVII of 1838...	... ..	The whole Act.
Act XXII of 1838..	... ..	The whole Act.
Act XXVII of 1838	... ..	The whole Act.
Act III of 1839.....	... ..	In so far as the Act is applicable to a suit or proceeding under Act VIII of 1859.
Act IX of 1839.....	... ..	The whole Act.
Act XIX of 1840 ...	An Act for amending the procedure in cases of appeals made in <i>forma pauperis</i> within the Presidency of Fort William in Bengal.	The whole Act.
Act VII of 1841 ...	An Act for a more uniform and an improved process for taking the examination of absent witnesses.	The whole Act.
Act XVII of 1841...	An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.	Section II so far as it relates to the Sudder Dewanny Adawlut.

ACT No. X. OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Act XXIX of 1841	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	The whole Act.
Act II of 1843 .....	An Act to regulate the sittings of the Courts of Sudder Dewanny Adawlut.	The whole Act in so far as the Act is applicable to suits or proceedings under Act VIII of 1859.
Act VI of 1843 .....	An Act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.	The whole Act.
Act VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	Sections X, XI, XIV, Clause 1st of Section XVII, Sections XVIII, XIX, and XXV.
Act XII of 1843 ...	An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.	The whole Act.
Act IX of 1844 .....	An Act for authorizing the institution of suits in the Courts of the Principal Sudder Ameens and Sudder Ameens.	The whole Act except Section III.
Act III of 1845 .....	An Act vesting Courts of Appeal with the discretion to require or dispense with security for costs from the Appellant.	The whole Act.
Act VIII of 1845 ...	An Act for amending Section LXXV, and Chapter XVII of Regulation IV. 1827 of the Bombay Code.	The whole Act.
Act XV of 1845 ...	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	Sections I, II, III, IV, and V.
Act XVI of 1845 ...	An Act for regulating the re-admission of Appeals after dismissal under Act XXIX of 1841.	The whole Act.

ACT No. X of 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Act XVII of 1845...	An Act for the better enforcement of the attendance of witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Behgal.	The whole Act.
Act IV of 1846 ...	An Act for amending the Law regarding the sale of land in execution of decrees in the territories subject to the Presidency of Fort William in Bengal.	The whole Act.
Act XVII of 1847...	An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of suits.	The whole Act.
Act III of 1850 ...	An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs in the Presidency of Fort St. George.	The whole Act.
Act VIII of 1850 ...	An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of appeal, to confirm the decision without summoning the respondent.	The whole Act.
Act XV of 1850 ...	An Act to extend the operation of Sections X and XII Regulation XXVI. 1814 of the Bengal Code.	The whole Act.
Act XXV of 1850...	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII. 1819, and Act IV of 1846.	The whole Act so far as it relates to forfeited deposits of sales of land or any interest in land in execution of decrees.
Act VII of 1851 ...	An Act to amend the law of the Bombay Presidency relating to execution of decrees.	The whole Act.
Act XXV. of 1852...	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	The whole Act, except so far as it relates to the execution of decrees made in appeal by Her Majesty in Council.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Act XXVI of 1852...	An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in Appeals referred to them.	The whole Act.
Act XXXIII of 1852.	An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	The whole Act, except so far as it relates to the enforcement of judgments by any Court established by Royal Charter, and also except so far as it relates to the enforcement of decrees of Military Courts of Requests.
Act XV of 1853.. ...	An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the Presidency of Fort William in Bengal.	The whole Act.
Act XVI of 1853...	An Act for amending the law of Special Appeals.	The whole Act.
Act XIX of 1853...	An Act to amend the law of evidence in the Civil Courts of the East India Company in the Bengal Presidency.	The whole Act so far as it is applicable to any suit or other proceeding instituted under Act VIII of 1859, except Sections XIX and XXVI of Act XIX of 1853.
Act IX of 1854.....	An Act relating to Appeals in the Civil Courts of the East India Company	In so far as the Act is applicable to any suit or proceeding under Act VIII of 1859.
Act XXXIII of 1854	An Act to extend the provisions of Act No. XII of 1843.	So much of the Act as is applicable to any suit or other proceeding instituted under Act VIII of 1859.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Act II of 1855 ..	An Act for the further improvement of the law of evidence. ..	Sections XXV and XXVI in so far as the Sections are applicable to any suit or proceeding under Act VIII of 1859.
Act IX of 1855 ..	An Act for the amendment of Procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George. ..	The whole Act.
Act X of 1855 ..	An Act to amend the law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay, and to amend the provisions of Section XL Act XIX of 1853. ...	The whole Act, except Sections IX and X.
Act XXXIV of 1855.	An Act to explain and amend Act No. XXXIII of 1852. ..	The whole Act, except so far as it relates to the enforcement of judgment by any Court established by Royal Charter.
Act XII of 1856 ...	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William. ...	Sections VI and VII.
BENGAL.		
Regulation III. 1793.	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance, established in the several Zillahs and in the Cities of Patna, Dacca, and Moorshedabad. ...	Sections VII, VIII, IX, X, XI, XII, XIII, XV, XVI, XVIII, XIX, and XX.
Regulation IV. 1793.	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad. ...	Sections I, II, III, IV, V, VI except so much as relates to the administering oaths to parties and witnesses ; VII, VIII, X, XI, XII, XIII, XVI, XVIII, XIX, XXI, and XXVI.



ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation V. 1793..	A Regulation for establishing four Provincial Courts of Appeal for hearing Appeals from decisions passed in the several Zillahs and the three City Courts, and defining their powers and duties, and prescribing rules for receiving and deciding upon Appeals and other causes of which they are declared to have cognizance. ...	The whole Regulation.
Regulation VI. 1793.	A Regulation for extending and defining the powers and duties of the Court of Sudder Dewanny Adawlut, and prescribing rules for receiving and deciding upon Appeals from the decisions of the Provincial Courts of Appeal. ...	Sections IV, V, VI, VII, IX, X, XI, XII, XV, and XVI, and XVII except so much as relates to the administering oaths; XVIII, XIX, XX, XXI, XXII, XXVIII, XXIX, and XXX.
Regulation 1793. XVI.	A Regulation for referring suits to arbitration and submitting certain cases to the decision of the Nazim. ..	The whole Regulation.
Regulation 1795. VII.	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil suits in the first instance at the city of Benares, and at Mirzapore, Ghazepore, and Jaunpore, in the Province of Benares, and for defining the jurisdiction and powers of those Courts. ...	Sections VII, IX, X, and XI except so far as it extends Section XXI Regulation III. 1793, and Section XII.
Regulation 1795. VIII.	A Regulation for extending to the Province of Benares, with alterations and modifications, Regulation IV. 1793, entitled "A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad;" and for exempting the Rajah of Benares and the Baboos of his family, and certain Bankers, when defendants, from giving the security required from other defendants. ...	Section II in so far as it extends the provisions of Regulation IV. 1793 which are repealed by this Act.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation IX. 1795.	A Regulation for establishing a Provincial Court of Appeal in the Province of Benares for hearing Appeals from decisions passed in the City Court and the Zillah Courts in that Province, and defining its powers and decrees, and prescribing rules for receiving and deciding upon Appeals and other causes of which it is declared to have cognizance.	The whole Regulation.
Regulation X. 1795...	A Regulation for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from decisions of the Provincial Court of Appeal established in the Province of Benares, and for defining the jurisdiction, powers, and authorities of the Sudder Dewanny Adawlut in that Province.	Section II in so far as it extends the provisions of Regulation VI. 1793 which are repealed by this Act, and Section III.
Regulation XV. 1795.	A Regulation for extending to the Province of Benares Regulation XVI. 1793, entitled "A Regulation for referring suits to arbitration, and submitting certain cases to decision of the Nazim, with the exception of Section X, and for referring certain cases to the decision of the Rajah of Benares.	Section II.
Regulation XXXVI. 1795.	A Regulation for repealing Section VII Regulation VIII. 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from decisions which may be passed by their Registers under that Regulation, and rendering final the decisions of the Judges in all such Appeals where the suit may be for money or personal property; for making final the decrees of the Judges of the Zillah and City Courts, in Appeals from decisions passed by the Native Commissioners appointed under Regulation XL. 1793, for rendering Surburakars, or Managers of joint undivided estates, eligible to the Office of Commissioner for hearing and deciding suits under Regulation XL. 1793, for providing against the loss or miscarriage of the proceedings in trials referred by the Judges of Circuit to the Nizamut Adawlut, or the sentences or orders of that Court on such trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan.	The whole Regulation except Section VI.

ACT No. X of 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation LIV. 1795.	A Regulation for extending to the Province of Benares the rules contained in certain Sections of Regulations VIII. 1794 and XXXVI. 1795, with modifications. ...	The whole Regulation.
Regulation XIII. 1796.	A Regulation for repealing such parts of Regulations V and VI. 1793, as authorize the execution of decrees passed by the Zillah and City Courts in the Provinces of Bengal, Behar, Orissa, and Benares, although appealed from to the Provincial Courts, and of decrees passed by the Provincial Courts appealed from to the Sudder Dewanny Adawlut.	The whole Regulation.
Regulation XII. 1797	A Regulation for the further limitation of Appeals to the Court of Sudder Dewanny Adawlut in suits for personal property; and for altering and explaining part of the existing rules for Appeals to that Court and to the Provincial Courts of Appeal. ...	The whole Regulation.
Regulation XIX. 1797.	A Regulation for empowering the Provincial Courts of Appeal to require the Zillah and City Courts to furnish translations of the proceedings held therein in causes appealed to the Sudder Dewanny Adawlut, and for providing for the translation of the papers and proceedings in such causes when the same cannot be made in due time by the Registers and Assistants to the respective Courts. ...	The whole Regulation.
Regulation II. 1798.	A Regulation authorizing a review of causes decided by the Civil Courts in certain cases; and for explaining parts of Regulations IV, V, and VI. 1793. ...	Sections V, VI, VII, VIII, IX, and X.
Regulation V. 1798.	A Regulation for the further limitation of appeals to the Court of Sudder Dewanny Adawlut, for providing further security during Appeals in certain cases; and for explaining and amending certain parts of the existing Regulations relative to the fee payable to Government on the institution of suits in the Civil Courts, and the fees of the Pleaders in those Courts, also for discontinuing the records of decided causes, required by Sections X and XIV Regulation XVIII. 1793. ...	The whole Regulation.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation III. 1800.	A Regulation for authorizing the Zillah Judges to refer to the Registers of their Courts, Appeals from certain decisions of the Native Commissioners appointed under Regulation XL. 1793. ...	The whole Regulation.
Regulation II. 1801.	A Regulation for the more speedy and effectual administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	Section VI in so far as it relates to suits or proceedings under Act VIII of 1859.
Regulation III. 1802.	A Regulation for defining the security to be required from defendants in Civil causes, and for amending part of the existing rules concerning the trial of Civil suits preferred by paupers. ...	The whole Regulation.
Regulation II. 1803.	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the trial of Civil suits in the first instance, in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company. ...	Sections IV, V, VI, VII, IX, X, XV, XVI, and XX.
Regulation III. 1803.	A Regulation for receiving, trying, and deciding suits or complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company. ...	Sections II, III, IV, V, VI, and VII except so much of it as relates to the administering of oaths to parties & witnesses, IX, X, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, XXVII, XXVIII, & XXIX.
Regulation IV. 1803.	A Regulation for establishing a Provincial Court of Appeal for hearing Appeals from decisions passed in the several Zillah Courts established in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company; and for defining the powers and duties of the said Court; and for prescribing rules for receiving and deciding upon Appeals and other causes of which the Court is declared to have cognizance.	The whole Regulation.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation V. 1803.	A Regulation for empowering the Sudder Dewanny Adawlut to try Appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company, and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein. ...	Sections IV, V, VI, VII, X, XI, XII, XIV, XV, XVI, XVIII, XIX, XX, XXI, XXII, XXVIII, XXIX, and XXXVII.
Regulation XXI. 1803.	A Regulation for referring suits to arbitration, in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company. ..	The whole Regulation.
Regulation L. 1803.	A Regulation for extending with modifications to the Criminal Courts the rules prescribed in Regulation IV. 1793, for procuring the attendance of witnesses, and requiring oaths and solemn declarations from witnesses in the Civil Courts, and for explaining those rules in their application to particular forms of oath by the Courts, Civil and Criminal.	Clause 2 of Section II so far as it relates to the Civil Courts.
Regulation II. 1805.	A Regulation to explain the existing limitation of time for the cognizance of suits in the Civil Courts of Justice, to provide further limitations with respect to certain suits, regular and summary; and to make other provisions relative to the admission and trial of original suits, and of appeals. ...	Sections VIII, IX, X, XI, XII, and XIV.
Regulation XIV. 1805.	A Regulation for the administration of Justice in Civil cases in the Zillah of Cuttack.	Section XI so far as it applies to Civil Courts, except the Proviso.
Regulation XV. 1805.	A Regulation for the appointment of the Mahomedan and Hindoo Law Officers of the Zillah and City Courts to be Commissioners for the trial of referred causes to the amount or value of one hundred Sicca Rupees; and to make further provision for the appointment of head Native Commissioners in the several Zillahs and Cities. ...	The whole Regulation.
Regulation II. 1806.	A Regulation for explaining and amending in certain cases the rules of process to be observed by the Civil Courts of Judicature. ...	The whole Regulation.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation XII. 1806.	A Regulation for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the Zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal government of the ceded and conquered Provinces.	So much of it as extends to the territories therein named the provisions of Regulation VIII. 1805 and the Regulation therein referred to which are repealed by this Act.
Regulation I. 1807.	A Regulation for defining the duties to be performed and powers exercised by single Judges of the Provincial Courts of Appeal in the absence of the other Judges of the Court.	The whole Regulation.
Regulation XIII. 1808.	A Regulation for rendering Civil causes, which are appealable to the Court of Sudder Dewanny Adawlut, cognizable in the first instance by the Provincial Courts, and for authorizing the execution of decrees appealed from in certain cases.	The whole Regulation.
Regulation XIII. 1810.	A Regulation for expediting the trial and decision of causes depending in the Civil Courts and for promoting the amicable adjustment of Civil suits.	The whole Regulation.
Regulation IV. 1812.	A Regulation to enable the Governor-General in Council to institute or defend, through the medium of the Public Officers of Government, actions in which Native Princes, whom it would be improper to require to appear as plaintiffs or defendants in the Courts of Judicature, may be parties.	The whole Regulation.
Regulation VI. 1813.	A Regulation for referring to arbitration suits and contests respecting land, and for amending the rules before established regarding forcible dispossession of land.	The whole Regulation.
Regulation II. 1814.	A Regulation for modifying the rules before established for the trial of suits proposed to be instituted against any of the Public Officers who have been declared amenable for acts connected with the discharge of their official duties to the jurisdiction of the Courts of Civil Judicature.	The whole Regulation.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation XXIII. 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Moonsiffs or Native Commissioners, and of Sudder Ameens or head Commissioners, for modifying and extending their respective powers in the trial and decision of Civil suits, and for authorizing them to discharge certain additional duties under the direction of the Zillah and City Judges.	Clause 3 of Section XIII, Sections XIV, XVII, XVIII, XX, Clause 4 of Section XXV, XXVIII, XXX, Clause 3 of Section XXXI, XXXIII, XXXVI, XXXVII, XXXIX, XL, XLI, XLV, and XLVI except so far as it enacts that any person dissatisfied with the decision of a Moonsiff shall be at liberty to appeal; and Sections XLVII, L, so much of Section LI as is now in force, Sections LIII, LIV, LXIX, LXXI, LXXII, LXXIII, LXXIV, LXXV, LXXVI, LXXVII, and LXXVIII.
Regulation XXIV. 1814.	A Regulation for abolishing the Office of Assistant Judge of the Zillah and City Courts, and for making certain modifications in the constitution and jurisdiction of those Courts.	The whole Regulation.
Regulation XXV. 1814.	A Regulation for modifying the constitution and jurisdiction of the Sudder Dewanny Adawlut and of the Provincial Courts, for expediting the trial of Civil causes in those Courts, and for defining more fully the powers of single Judges holding the sittings of those Courts or of the Nizamut Adawlut and Courts of Circuit.	Sections I to X inclusive.
Regulation XXVI. 1814.	A Regulation for modifying some of the rules at present in force regarding the admission and trial of special and summary Appeals from decisions passed in regular suits, for limiting and altering some of the existing provisions respecting the pleadings and processes and the mode of executing Decrees and regular Suits and Appeals, and for explaining and making certain additions to the provisions of Regulation I. 1814.	The whole Regulation except Section XIV.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation XXVII. 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature ...	Section XXVII.
Regulation XXVIII. 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers ...	The whole Regulation.
Regulation II. 1815.	A Regulation for extending the provisions of Clause 7th, Section XII, Regulation XXIV. 1814 ...	The whole Regulation.
Regulation XV. 1816.	A Regulation for expediting the trial of Civil suits in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort William may be parties, and for giving to them certain facilities in the maintenance of their rights, claims, and interests ...	The whole Regulation.
Regulation III. 1817.	A Regulation for diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four Rupees in value or amount when tried by the Zillah and City Judges, Registers, or Sudder Ameens, and for modifying and explaining some of the rules contained in Regulation I. 1814, and in Regulation XXIII. 1814 ...	The whole Regulation.
Regulation XIX. 1817.	A Regulation for modifying and amending some of the Regulations in force relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent. ...	So much as has not been already repealed.
Regulation IX. 1819.	A Regulation for amending the existing rules with regard to the admission of special Appeals, for requiring in certain cases from residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the Provincial Courts, in certain cases. ...	The whole Regulation.



ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation IX. 1831.	A Regulation for the more speedy and efficient administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut ...	Sections II, VIII, and so much of Section X as extends those Sections to the Sudder Dewanny Adawlut for the North-Western Provinces.
Regulation VII. 1832.	A Regulation for modifying certain of the provisions of Regulation V. 1831, and for providing supplementary rules to that enactment ...	Sections II, III, VI, VII, X, XII, XIII, XIV, XV, XVI, and XVII.
MADRAS.		
Regulation II. 1802.	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance in the British Territories immediately subject to the Presidency of Fort St. George ...	Sections III, IV, V, VI, VII, VIII, IX, X, XV, XVI, XIX, XX, and XXI.
Regulation III. 1802.	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several Zillahs immediately subject to the Presidency of Fort St. George ...	Sections II, III, IV, V, VI, VII (except so much of it as relates to the administering of oaths to parties or witnesses, and except so far as it has been extended by Section II Regulation I of 1824), IX, X, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, XXVII, XXVIII, and XXIX.
Regulation IV. 1802.	A Regulation for establishing four Provincial Courts of Appeal, for hearing appeals from decisions passed in the several Zillah Courts; and defining their powers and duties and prescribing rules for receiving and deciding upon Appeals and other causes of which they are declared to have cognizance ...	The whole Regulation except such part of Section XX as relates to witnesses or parties guilty of wilful or corrupt perjury.
Regulation V. 1802.	A Regulation for constituting a Sudder Adawlut or Chief Court of Civil Judicature for trying Appeals from the decisions of the Provincial Courts of Appeal ...	Sections IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XIX, XX, XXI, XXII, XXVIII, and XXXVIII.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation XXI. 1802.	A Regulation for referring suits to arbitration ... }	The whole Regulation.
Regulation XXVI. 1802.	A Regulation for governing the sale and sub-division of Malgoozary Lands in the British Territories subject to the Presidency of Fort St. George ... }	In so far as it relates to the execution of decrees of the Civil Courts.
Regulation IV. 1806.	A Regulation for the more speedy and effectual administration of Justice in the Courts of Sudder Adawlut and Foujdary Adawlut ... }	Section VII so far as it relates to the Sudder Adawlut.
Regulation VII. 1809.	A Regulation for the occasional appointment of Assistant Judges of the Zillah Courts; for altering and extending the Jurisdiction of the Registers of these Courts; for fixing a new Limitation of Appeals from the Zillah Courts to the Provincial Courts of Appeal, for authorizing the appointment of Head Native Commissioners for the trial of referred causes to the amount or value of one hundred Arcot Rupees, and for amending the existing rules concerning the appointment and powers of Native Commissioners for the trial of suits for personal property not exceeding eighty Arcot Rupees ... }	The whole Regulation.
Regulation XII. 1809.	A Regulation for rendering Civil causes which are appealable to the Court of Sudder Adawlut cognizable in the first instance by the Provincial Courts, and for authorizing the execution of decrees appealed from in certain cases ... }	The whole Regulation.
Regulation II. 1811.	A Regulation for explaining and amending in certain cases the rules of process to be observed by the Civil Courts of Judicature, and for amending the Rule contained in Clause 4, Section IV. Regulation V. A. D. 1808 ... }	The whole Regulation.
Regulation VI. 1816.	A Regulation for reducing into one Regulation the Rules which have been passed regarding the Office of Native Commissioners, for modifying and extending their powers in the trial and decision of Civil suits, and for authorizing them under the designation of District Moonsiffs to discharge certain additional duties ... }	Sections XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXI, XXXII, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLII, XLIV, XLV, XLVI, XLVII, XLVIII, LI, LII, LIII from proviso in Clause 1 to the end, LIV, LVI, LVII, LVIII, LX, LXI, Clause 2 of Section LXII.

ACT No. X of 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation VIII. 1816.	A Regulation for the appointment of the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens or Head Native Commissioners for the trial of causes referred to them by the Judges of the Zillahs in which those Courts are stationed; for confining the Office of Sudder Ameen to the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zillah Courts, and for modifying and extending the power of Sudder Ameens in the trial and decision of Civil suits ...	Sections VIII, X, and XIV.
Regulation XIV. 1816.	A Regulation for amending and modifying the rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature ...	Sections XVI and XVII.
Regulation XV. 1816.	A Regulation for modifying the jurisdiction of the Zillah and Provincial Courts and the Court of Sudder Adawlut in the trial of original suits and appeals, for amending some of the rules at present in force regarding the admission and trial of Special and Summary Appeals, from decisions passed in regular suits, and for limiting and altering some of the existing provisions respecting the pleadings and processes and the mode of executing decrees in regular Suits and Appeals ...	The whole Regulation, except so much of Clause 2 of Section VIII as gives an appeal from a Sudder Ameen to a Judge.
Regulation VIII. 1817.	A Regulation for expediting the trial of Civil Suits in which the Native Officers and Soldiers attached to Regular Corps on the Military establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their rights, claims, and interests ...	The whole Regulation, except Section IX.
Regulation VII. 1818.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers ...	The whole Regulation.
Regulation III. 1822.	A Regulation for extending the operation of Regulation VII of 1818 ...	The whole Regulation.

ACT No. X OF 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation I. 1823.	A Regulation prescribing the course of proceeding to be observed in regard to suits instituted in the Courts of Adawlut against the Public Officers of Government ...	The whole Regulation.
Regulation II. 1823.	A Regulation for authorizing a Special Appeal from the Decrees of Registers and Sudder Ameens, and for modifying the provisions of Section XIV Regulation VIII. 1816 ...	The whole Regulation.
Regulation IV. 1825.	A Regulation for amending and modifying the provisions contained in Regulation VII of 1818 ...	The whole Regulation.
Regulation I. 1827...	A Regulation for the establishment of Auxiliary Zillah Courts in the territories subject to the Presidency of Fort St. George, and for the appointment of Assistant Judges and Sudder Ameens to those Courts ...	Section IX in so far as it relates to suits and proceedings under Act VIII of 1859.
Regulation VII. 1827.	A Regulation for constituting the office of Native Judge ...	Clause I of Section V in so far as it relates to suits and proceedings under Act VIII of 1859.
Regulation XI. 1827.	A Regulation for supplying certain omissions in Regulations I and VII. 1827, respecting Special Appeals, and for providing for the Office of Sudder Ameen in Auxiliary Courts seated at the same Station as Provincial Courts ...	The whole Regulation.
Regulation VI. 1828.	A Regulation to amend the rules for computing the periods limited for Appealing, and to provide for the disposal of Pleaders' fees deposited in suits struck off the files of Zillah Courts as being for an amount or value not cognizable by them ...	The whole Regulation.
Regulation IX. 1828.	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for periodical Reports, Calendars, Registers, or other statements, to be furnished by the Civil or Criminal Courts, and require the same to be forwarded ...	Section III in so far as it relates to the Civil Courts.
Reg. VIII. 1831 ...	A Regulation for vesting in single Judges of the Courts of Sudder and Foujdance Adawlut and in single Judges of the Provincial Courts of Appeal, under certain restrictions, the power now exercised by two or more Judges of those Courts respectively ...	Section IV.

ACT No. X of 1861.

<i>Reference to Regulation or Act.</i>	<i>Title of Regulation or Act.</i>	<i>Extent of repeal.</i>
Regulation I. 1832 ...	A Regulation to provide for the punishment of false allegations in petitions to the Judicial Courts and fictitious claims to property attached in execution of decrees ...	The whole Regulation.
BOMBAY.		
Regulation II. 1827.	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof ...	Section VII, Section IX Clause I, Section X, Section XXI except so much of Clause 1 as prohibits interference of the Civil Courts in Caste questions, Sections XXII and XLI, except Clause 3 of the latter, Sections XLV, XLVI, and LI, except Clause 2 of the last.
Regulation III. 1827.	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records ...	Section III.
Regulation IV. 1827.	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and rules for the trial of the same ...	The whole Regulation, except Sections XXIV, XXVI, XXVII, Clause 4 Section XXXIV, Section LII, and Sections LIV and LV in as far as they qualify the same, Clauses 2 and 3 of Section LXIX, Clause 4 of Section LXXII, and Section C.
Regulation VI. 1827.	A Regulation for admitting persons to sue or defend in suits or appeals in <i>forma pauperis</i> ...	The whole Regulation.
Regulation VII. 1827.	A Regulation to facilitate the amicable adjustment of disputes of a Civil nature by means of arbitrators (a Panchaet).	The whole Regulation.



ACT No. XI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 1st May 1861.)*

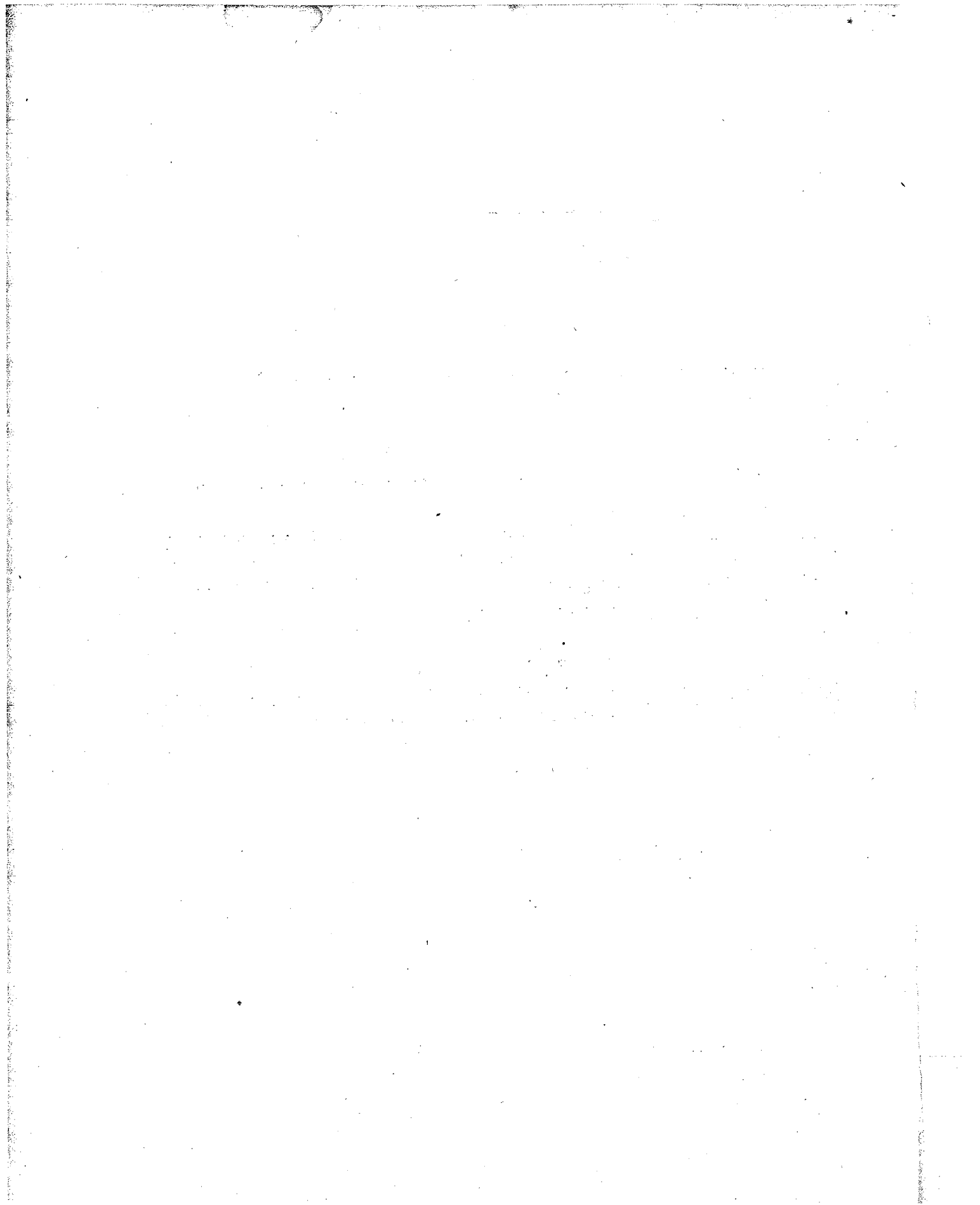
*An Act to amend Act XIV of 1859 (to provide for the limitation of suits.)*

Suits now pending or instituted before 1st January 1862 to be tried as if Act XIV of 1859 had not been passed.

I. ALL suits now pending, or which shall be instituted before the 1st day of January 1862, shall be tried and determined as if Act XIV of 1859 *(to provide for the limitation of suits)* had not been passed.

Sections XIX, XX, XXI, XXII, and XXIII, not to take effect till 1st January 1862.

II. Sections XIX, XX, XXI, XXII, and XXIII, of the said Act, shall not take effect or have any operation before the said 1st day of January 1862.





## ACT No. XII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th May 1861.)

### *An Act to Amend Act XLII of 1860.*

WHEREAS it is expedient to amend Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*); It is enacted as follows:—

Preamble.

I. The Local Government may invest any Judge of a Court of Small Causes constituted under Act XLII of 1860, with the powers of a Principal Sudder Ameen within such local limits as the local Government shall from time to time appoint.

Local Government may invest Small Cause Court Judge with powers of a Principal Sudder Ameen.

II. The Local Government may also invest the Judge of any Court of Small Causes, constituted as aforesaid, with all or any of the powers of a Magistrate within such local limits as the local Government shall from time to time appoint for the trial and decision of cases cognizable by a Magistrate; but no other jurisdiction in Criminal matters shall be exercised by any Court so constituted.

Also with powers of a Magistrate.

III. In the places in which the provisions of Act X of 1859 (*to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal*) are in force, the local Government may empower any Judge of a Court of Small Causes, constituted as aforesaid, to hear and determine, under the rules contained in the said Act X of 1859 applicable to trials before a Collector and subject to the same regular and special appeal, the claims cognizable under that Act arising within

And with power to try suits under Act X of 1859.

ACT No. XII of 1861.

within the local limits of the jurisdiction of such Court. Any Judge so empowered shall exercise all the powers of a Collector under the said Act X of 1859, except the power of hearing appeals.

IV. An Officer, to be styled the Clerk of the Court, may be appointed to any Court of Small Causes constituted as aforesaid, on such salary as shall be authorized by the Governor General of India in Council. The appointment and removal of such Officer shall rest with the Court, subject to the approval of the local Government.

V. When a Clerk is appointed to any Court of Small Causes constituted as aforesaid, such Clerk shall, subject to the orders of the Court, issue all Summonses, Warrants, Orders, and Writs of Execution, and keep an account of all proceedings of the Court, and shall take charge of and keep an account of all moneys payable or paid into or out of Court, and shall enter an account of all such moneys in a book belonging to the Court to be kept by such Clerk for that purpose.

VI. Whenever more Courts than one are constituted in any District under the said Act XLII of 1860, the local Government may appoint one of the said Courts to be the Principal Court of Small Causes in such District.

VII. The Judge of the Principal Court of Small Causes in any District may sit with the Judge of any other Court of Small Causes, constituted as aforesaid, in the same District, for the trial and determination of any suit cognizable under the said Act XLII of 1860, which the Judge of such other Court may reserve for trial by himself and the Judge of the Principal Court of Small Causes.

VIII. When two Judges sit together for the trial of a suit under the last preceding Section, and they concur in the decision or order to be passed, such decision or order shall be the decision or order of the Court, and shall be signed by both Judges. If in the trial of any suit such Judges shall differ on a point of law, or usage having the force of law, or on the construction of a document affecting the merits of the decision, they shall submit a case for the opinion of the Sudder Court on the point of difference between them in the manner prescribed

ACT No. XII OF 1861.

prescribed in Section XIII of the said Act XLII of 1860; and the rules applicable to a reference to the Sudder Court contained in Sections XIV, XV, XVI, XVII, XVIII, and XIX of the said Act, shall be applicable to the reference made in such suit.

If Judges differ, the Judge of the principal Court to have the casting voice.

IX. If such Judges differ on any matter other than the matters abovementioned, the Judge of the Principal Court of Small Causes shall have the casting voice.

X. All suits cognizable under the provisions of the said Act XLII of 1860, which shall be pending before any Court within the limits of the jurisdiction of a Court of Small Causes constituted under the said Act, at the time of the constitution of such Court, shall be heard and determined in the same manner as if such Court had not been constituted.

Trial of pending suits.

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*Empire*

ACT No. XIII OF 1861.

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PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 20th May 1861.*)

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*An Act to regulate temporarily the procedure of the Police enrolled under Act V of 1861 (for the regulation of Police.)*

WHEREAS, pending the passing of a new Code of Criminal Procedure, it is expedient to pass a temporary Act for the guidance and direction of the Police Officers who shall be enrolled under the provisions of Act V of 1861 (*for the regulation of Police*) in the discharge of their duties, in so far as the same are not provided for by the said Act; It is enacted as follows :—

1. When a Magistrate shall direct a warrant of arrest to a Police Officer, such Officer shall forthwith execute the same so far as it may be within his power to do so.

Police Officer to execute warrants of arrest.

2. A warrant directed to a Police Officer may be executed by any other Police Officer whose name shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

Another Police Officer whose name is endorsed on the warrant may execute it.

3. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Where a warrant of a Magistrate must be executed.

4. When any person against whom a warrant is issued by a Magistrate shall escape or go into, or be in any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant

Warrant executed in another jurisdiction.

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ACT No. XIII of 1861.

rant may be executed in such place, and if the person against whom the warrant is issued is arrested in such place the Police Officer executing the warrant shall carry him before the Magistrate of the District or some other Magistrate within whose jurisdiction the arrest was made. If the place of arrest be within twenty miles from the place at which the warrant was issued, the person arrested may be carried in the first instance before the Magistrate who issued the warrant.

5. A Police Officer executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and if required to do so, shall show the warrant to such person.

Notification of substance of warrant.

6. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Warrant how to be executed.

7. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer executing the warrant to use all such means as may be necessary to effect the arrest.

Resisting an endeavour to arrest.

8. Every person is bound to assist a Police Officer demanding his aid in the prevention of a breach of the peace, or in the suppression of a riot or an affray, or in the taking of any other person whom such Police Officer is authorized to arrest, whether in execution of a warrant, or as hereinafter provided without a warrant; and any person who shall refuse or neglect to assist a Police Officer when so applied to, shall be liable on conviction before a Magistrate to a fine not exceeding fifty Rupees, or to imprisonment not exceeding three months, or to both fine and imprisonment.

Penalty for any person refusing or neglecting to assist a Police Officer when applied to.

9. If there is reason to believe that any person against whom a warrant has been issued has entered into or is within any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer executing the warrant, to allow such Police Officer free ingress thereto, and to afford all reasonable facilities for a search therein.

Search of house entered into by person against whom warrant has been issued.

10. The

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10. The Police Officer authorized by a warrant to arrest a person may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

11. If information be received that a person against whom a warrant of arrest has been issued, is concealed in a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Police Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person; and if the accused person shall not deliver himself up, the Police Officer authorized to execute the warrant may, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance, break open such zenanah or apartment and execute the warrant entrusted to him, first giving notice to any woman, as aforesaid, in such zenanah or apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw and affording her every reasonable facility for withdrawing.

Breaking open a zenanah or female apartment.

12. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

13. The Police Officer executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by the warrant to produce him.

Party arrested to be brought immediately to the authority mentioned in the warrant.

14. A Police Officer shall not offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

No threat, promise, or caution to the party arrested.

15. When a summons shall be directed by a Magistrate to a Police Officer to be served on a person accused of an offence, such Officer shall proceed forthwith to serve the same so far as it may be within his power to serve it.

Police Officer to serve summons to the best of his ability.

16. A

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16. A summons directed to a Police Officer may be served by any other Police Officer whose name shall be endorsed upon the summons by the Officer to whom the summons is directed.

Summons may be served by any other Police Officer whose name is endorsed thereon.

17. The summons shall be served on the accused person personally, or in case the accused person shall not be found, it may be left for him with some adult male member of his family residing with him.

Summons how to be served.

18. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving Officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

Mode of service if accused cannot be found.

19. When a Magistrate shall direct a search warrant to a Police Officer, such Officer shall forthwith execute the same so far as it may be within his power to do so.

Police Officer to execute search warrants.

20. A search warrant directed to an Officer in charge of a Police Station may, if such Officer is not able to proceed in person, be executed by any Officer subordinate to such Officer. In such case the name of such subordinate Officer shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

A warrant to one Police Officer may be executed by another.

21. When it shall be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the Police Officer charged with the execution of such warrant to execute the same within the said jurisdiction, or the search warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and such Magistrate shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

How to be executed out of jurisdiction of the Magistrate.

22. In



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22. In any case in which there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate

In what cases Police Officer may execute search warrant out of the jurisdiction of the Magistrate issuing it, without obtaining the endorsement of the Magistrate in whose district it is to be executed.

within the limits of whose jurisdiction the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police Officer charged with the execution of the search warrant may execute the same in any place beyond the jurisdiction of the Magistrate by

whom it was issued, without the endorsement of the Magistrate in whose jurisdiction that place is situate. If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found and who, unless there be good cause to the contrary, shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

23. If the house or place to be searched is closed, it shall be the duty of any person residing in or in charge of such house or

Persons in charge of dwelling house, &c. to allow the search.

place, on demand of the Police Officer executing the warrant, to allow such Officer free ingress thereto, and to

afford all reasonable facilities for a search therein.

24. A Police Officer authorized by a warrant to search any house or place may break open any outer or inner door or window

Place to be searched may be broken open.

of the house or place in order to execute such warrant, if

after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance.

25. If the place ordered to be searched is a zenanah or apartment in the

Breaking of a zenanah or female apartment.

actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Officer

charged with the execution of the warrant shall give notice to such woman, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw, and, after giving such notice, and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

26. The

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26. The search of any house or place shall be made in presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but such persons shall not be required to attend the Court of the Magistrate as witnesses unless specially summoned by such Magistrate. The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

27. In any case in which it shall be necessary to cause a female to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching females.

28. A Police Officer in the cases hereinafter mentioned may, without orders from a Magistrate and without a warrant, arrest

Police Officer may arrest without warrant in certain cases.

*First.*—Any person who, in the sight of such Police Officer, shall commit any of the offences specified in the Schedule annexed to this Act.

*Secondly.*—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

*Thirdly.*—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

*Fourthly.*—Any person who is a proclaimed offender.

*Fifthly.*—Any person who is found with stolen property in his possession.

*Sixthly.*—Any person who shall obstruct a Police Officer while in the execution of his duty.

29. An Officer in charge of a Police Station may, without orders from a Magistrate and without warrant, arrest or cause to be arrested any person found lurking within the limits of such Station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, or any person who is a reputed robber, house-breaker, thief, receiver of stolen property knowing it to be stolen, or who is of notoriously bad livelihood.

Vagabonds.

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30. It shall be the duty of every Police Officer to prevent, and he may interpose for the purpose of preventing, the commission of any of the offences specified in the Schedule annexed to this Act.

Police may interfere to prevent offences.

31. It shall be the duty of a Police Officer who shall receive information of a design to commit any such offence, to communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whom it may concern to prevent or take cognizance of the commission of any such offence.

Information to be communicated.

32. A Police Officer knowing of a design to commit any such offence as aforesaid, may arrest, without orders from a Magistrate and without warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

May arrest to prevent offences.

33. A Police Officer may, of his own authority, interpose for the prevention of any injury, attempted to be committed in his view, to any public building, work of art, road, bridge, tank, or water channel.

Injury to public property.

34. If there is reason to believe that any person liable to arrest without a warrant, of whom a Police Officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police Officer, to allow ingress thereto and all reasonable facilities for a search therein.

Person in charge of house entered into by another of whom Police Officer is in search, to allow ingress, &c.

35. If ingress to such house or place cannot be obtained under the last preceding Section, the Police Officer authorized to make the arrest shall take such precaution as may be necessary to prevent the escape of the person to be arrested, and send immediate information to a Magistrate. If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police Officer may make an entry into such house or place and search therein.

Procedure if ingress be not obtained.

36. Any

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36. Any person who is known or suspected to have committed an offence for which a Police Officer is not authorized to arrest without warrant, and who shall refuse on demand of a Police Officer to give his name and residence, or shall give a name or residence which there is reason to believe to be false, may be detained by such Police Officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Person charged with an offence refusing to give his name and residence.

37. A Police Officer having made an arrest without warrant, shall take or send the person arrested without unnecessary delay before the Magistrate who has jurisdiction in the case, or before the Officer in charge of a Police Station.

Party arrested to be taken immediately before the proper authority.

38. If a person lawfully arrested under the provisions of this Act shall escape or be rescued, it shall be lawful for the Police Officer from whose custody the person so arrested shall have escaped, or have been rescued, to make fresh pursuit, and retake him in any place, either within or without the jurisdiction where he was so in custody, and deal with such person as such Police Officer might have done on an original taking.

Police Officer arresting may retake on escape and deal with the party arrested as on original taking.

39. In order to retake any person, as provided in the last preceding Section, the Police Officer making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

May adopt the same measures as on original taking.

40. An Officer in charge of a Police Station may, without warrant, enter any shop or premises within the limits of such Station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he shall have reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing, which are false. If such Police Officer shall find in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

Inspection of weights and measures used in shops.

41. The

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41. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

Procedure by Police Officer upon seizure of stolen property found on an offender.

have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the

Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

42. No Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence other than the offences specified in the Schedule annexed to this Act. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under any law for the time being in force.

Police Officers to make enquiry into certain offences only when directed to do so by Magistrate.

enquire into or take cognizance of any offence other than the offences specified in the Schedule annexed to this Act

But it shall be competent to a Magistrate, upon the report

of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under any law for the time being in force.

43. Nothing in the last preceding Section shall be held to interfere with the exercise of any powers which are invested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law.

Except when empowered by any special or local law.

the exercise of any powers which are invested in a Police Officer by any special or local law, or with the performance

of any duty which is imposed upon a Police Officer by any such special or local law.

44. Upon complaint or information being preferred to an Officer in charge of a Police Station, of the commission within the limits of such Station of any of the offences specified in the Schedule annexed to this Act, he shall send immediate intimation to the Magistrate having jurisdiction and shall proceed in person or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Upon complaint preferred, Head Officer to proceed in person or depute a Subordinate Officer to make enquiry.

of a Police Station, of the commission within the limits of such Station of any of the offences specified in the Schedule annexed to this Act, he shall send immediate intimation to the Magistrate having jurisdiction and shall

proceed in person or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

45. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

Except in cases not of a serious nature where local enquiry not necessary.

and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to

proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

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46. If on any complaint or information being preferred to an Officer in charge of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from proceeding in the case, and shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

If Head Officer see no sufficient ground for an enquiry.

47. Every complaint or information preferred to an Officer in charge of a Police Station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer, in such form as shall be prescribed by the local Government.

Complaint, &c. to be in writing.

48. When any Officer in charge of a Police Station requires any Officer subordinate to him to make, without warrant, an arrest which may lawfully be made by such Officer without warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing specifying the person to be arrested, and the offence for which the arrest is to be made.

Procedure when a Police Officer deposes another.

49. It shall be lawful for a Police Officer to pursue with a view to arrest any person accused of any of the offences specified in the Schedule annexed to this Act, into the limits of another Police Officer whether subordinate to the same Magistrate as himself or to the Magistrate of any other District, and whether such place be under the same local Government or not.

Police may pursue offenders into other jurisdictions.

50. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into any offence which he is authorized to investigate, it shall be lawful for such Officer to search or cause a search to be made for the same in any house or place within the limits of such Station. In such case the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing, specifying the property for which search is to be made

Issue of search warrant by Head Officer.

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made and the house or place to be searched, and it shall thereupon be lawful for such subordinate Officer to search for such property in such house or place. The provisions of this Act relating to search warrants shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.

51. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which he might cause such search, to be made within the limits of his own Station.

When a Head Officer may require a Head Officer of another division to issue a search warrant.

52. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any person being within the limits of his Station who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under Section 44, and such person shall be bound to obey such requisition.

Witnesses to be summoned.

53. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this Section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record, or used as evidence.

Oral examination of witnesses by Police.

54. A Police Officer shall not offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

No inducement to be offered to accused persons to confess.

55. No Police Officer shall record any statement or any admission or confession of guilt which may be made before him by a person accused of any offence. Provided that nothing in this Section shall preclude any Police Officer from reducing

Police Officer not to record confession.  
Proviso.

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ducing any such statement or admission or confession into writing for his own information or guidance.

56. No confession or admission of guilt made to a Police Officer shall be used as evidence against a person accused of any offence.  
Confession made to a Police Officer.

57. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.  
Confession made while the accused is in custody of the Police shall not be used as evidence.

58. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or admission of guilt, or not, as relates distinctly to the fact discovered by it, may be received in evidence.  
Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.

59. If the person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any subordinate Police Officer has made any enquiry under this Act, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or he may do so without such instruction, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.  
Enquiry by the Police.

60. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed twenty-four hours. If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall nevertheless forward the accused to the Magistrate, with a short despatch, stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.  
Accused not to be detained by the Police beyond twenty-four hours without special authority.



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61. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Head Officer how to proceed in cases of deficient evidence.

62. A Police Officer making an enquiry under this Act shall, day by day, enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such Diary which he shall consider it to be important that such Magistrate should know. The Magistrate of the District, or other Officer having jurisdiction in the case, shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police Officer shall forward day by day a copy of the diary to the Magistrate of the District. Such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it.

Daily record of proceedings.

63. The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, the Police Officer shall state the fact and the cause of his detention.

Proceedings of the Head Officer of what to consist.

64. A person accused of any offence not bailable shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence shall be admitted to bail if sufficient bail be tendered

Bail.

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tendered for his appearance before the Magistrate having jurisdiction in respect of the offence.

65. The bail to be taken under the last preceding Section shall not be excessive, and the surety or sureties shall bind himself or themselves under a specific penalty to produce the person accused before the Magistrate on or before a fixed day, to answer the complaint.

Bail not to be excessive. Terms of security.

66. Every prosecutor and witness whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused is to appear if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses, unaccompanied by any Police Officer, shall be required to deliver in person such duplicate to the Magistrate.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

67. A Police Officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend or to execute the recognizance directed in the last preceding Section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody until he shall execute such recognizance, or until the hearing before the Magistrate.

Witnesses not to be subjected to restraint. Recusant witnesses may be forwarded in custody.

68. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective Stations, whether such persons shall have been admitted to bail or otherwise, and no person who has been apprehended shall be discharged except on bail, or on his own recognizance, or under the special order of a Magistrate.

Police to report all apprehensions.

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69. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to send intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police Officer and other persons, or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road.

Head Officer to make immediate enquiry and report on unnatural and sudden deaths.

70. The powers to be exercised by an Officer in charge of a Police Station under this Act shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of a Peon or Burkundaz.

By whom the powers of the Head Officer may be exercised in his absence or illness.

71. The provisions relating to warrants for the arrest of and summonses to persons accused of offences contained in this Act shall be applicable to all warrants of arrest and summonses directed by a Magistrate to Officers of Police.

Provisions applicable to all warrants of arrest and summonses directed by a Magistrate to Officers of Police.

72. This Act shall apply only to the Police who shall be enrolled under Act V of 1861 (*for the regulation of Police*) and shall continue in force until the 1st January 1862.

Duration of Act.

73. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)

Interpretation.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words

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Gender. Words importing the masculine gender shall include females.

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such Officer is called.

"Magistrate." The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

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SCHEDULE REFERRED TO IN SECTIONS 28,30,42,44, AND 49.

Murder.  
Thuggee.  
Dacoity.  
Highway Robbery.  
Culpable Homicide.  
Wounding.  
Burglary.  
Theft.  
Receiving stolen property knowing it to be stolen.  
Unnatural Offences.  
Rape.  
Arson.  
Affray.  
Aggravated Assault.  
Rioting.  
Child Stealing.  
Counterfeiting Coin or Government Stamps.  
Administering Poisonous Drugs.  
Exposure of Infants.  
Escape from lawful custody.  
Attempt to commit any of the foregoing offences.  
Attempt to commit suicide.

## ACT No. XIV OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 27th May 1861.)

*An Act to remove certain tracts of Country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.*

WHEREAS it is expedient to remove certain tracts of country in the Rohilcund Division from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Offices of that Division, under the General Regulations and Acts of the Government; It is enacted as follows :—

I. The tracts of country described in the Schedule to this Act, and such parts of the Pergunnahs Jussoor and Kasheepoor in the District of Mooradabad as shall be declared and defined by the Lieutenant-Governor of the North-Western Provinces, by an order to be published in the manner prescribed by Section VII of this Act on or before the date fixed by the said Lieutenant-Governor under the said Section VII for this Act to take effect, are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Offices of Revenue constituted by the Regulations of the Bengal Code and by the Acts passed by the Governor-General of India in Council and the Legislative Council of India, as well as from the system of procedure prescribed for the said Courts and Offices by the Regulations and Acts aforesaid; and no Act hereafter passed by the Legislative Council of India relative to the constitution or procedure of the said Courts and Offices shall be deemed to extend to any part of the said tracts, unless the same be specially named therein: provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

II. The

ACT No. XIV OF 1861.

II. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public Revenue and of all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may for the purpose of tribunals of first instance or of reference and appeal appoint, and the Officer or Officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the Lieutenant-Governor of the North-Western Provinces, and be guided by such instructions as the Lieutenant-Governor of the North-Western Provinces may from time to time issue.

III. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces to direct that an appeal may be heard in any of the matters described in the last preceding Section by the Commissioner of the Rohilkund Division or the Civil and Sessions Judge of any district in the said Division, or by the Sudder Dewanny and Nizamut Adawlut, or by the Board of Revenue, and to declare in what cases the order made by any Officer or Court empowered by the Lieutenant-Governor to dispose of any of the matters aforesaid, shall be final.

IV. It shall be lawful to the Lieutenant-Governor of the North-Western Provinces to direct any Officer empowered to administer Criminal jurisdiction in or for the tracts aforesaid, to refer the sentence passed by him in any class of Criminal trials for the confirmation of the Sudder Court; and no sentence of death passed by any person competent under the direction of the Lieutenant-Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court. In disposing of any trial referred for disposal under this Section, the Sudder Court shall not call for the Futwah of its Law Officer, and shall pass such order as it may deem just and proper, so as that it shall not convict any person acquitted by the referring Officer, or enhance any sentence pronounced by him.

V. Any person liable to be imprisoned in any Civil or Criminal Jail or to be transported beyond sea under any order or sentence passed by any Officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail or transported to any place which the Lieutenant-Governor of the North-Western Provinces may direct.

VI. When

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VI. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of Rohilcund to consider and determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

Questions of disputed boundary to be determined by Commissioner of Rohilcund.

VII. This Act shall take effect from such date as shall be fixed by the Lieutenant-Governor of the North-Western Provinces, and notification thereof shall be published in the Office of the Commissioner of Revenue and the Courts of the Civil and Sessions Judges and of the Magistrates of the Rohilcund Division, and in such other manner as the Lieutenant-Governor may direct.

Commencement of Act.

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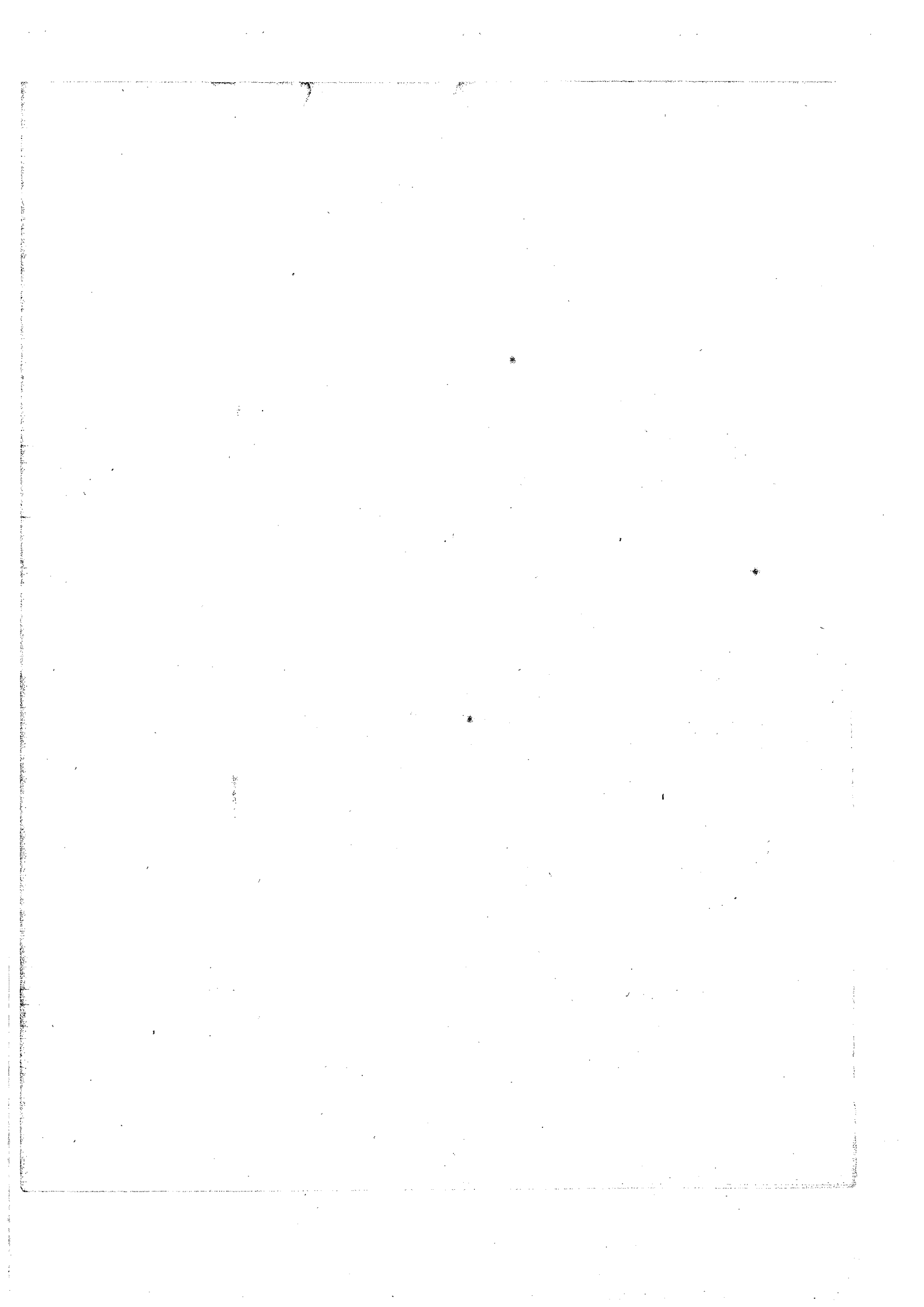
SCHEDULE.

\* The tracts referred to in the foregoing Act are as follows :—

The Pergunnah of Bazpoor in the District of Mooradabad :

The Pergunnahs of Roodurpoor and Guddurpoor in the District of Bareilly :

The Pergunnahs of Kilpooree, Nānuk-Muttha, and Bilhēree in the District of Peeleebheet.





## ACT No. XV OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th May 1861.)

### *An Act for the levy of Port-dues in the Ports of the Concan.*

Preamble. WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in accordance with the provisions of Act XXII of 1855 (*relating to Ports and Port-dues*) in the Ports named in the Schedules to this Act, being Ports in the Concan Districts of the Presidency of Bombay ; It is enacted as follows :—

I. The Ports in the Concan shall be divided for the purposes of this Act into three groups, namely, Northern, Central, and Southern. The Northern group shall comprise the Ports named in Schedule A ; the Central group shall comprise the Ports named in Schedule B ; and the Southern group shall comprise the Ports named in Schedule C.

II. Port-dues, at a rate not exceeding the rate of two annas for every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards entering Port. (except Fishing Boats) which shall enter any of the said Ports.

III. When any vessel enters any of the said Ports, being driven in by stress of weather, or in consequence of having sustained any damage, or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for the purpose of repair,) the Port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels.

IV. Provided

PRICE 9 PIES.

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IV. Provided that, when any vessel having left any of the said Ports is compelled to re-enter such Port, or to enter any other of the said Ports named in the same Schedule, by stress of weather, or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

No Port-due on vessels compelled by stress of weather to put back.

V. No vessel shall be required to pay at the same Port any Port-due chargeable under this Act, oftener than once in the same calendar month, or oftener than once in thirty days.

No vessel to pay Port-due at same Port oftener than once a month.

VI. For the purposes of Section XLIV of the said Act XXII of 1855, the several Ports comprised in each of the Schedules A, B, and C, to this Act, shall be regarded respectively as one Port, and the sums received on account of Port-dues at the several Ports named in each of the said Schedules shall form separate Funds, which shall be termed respectively, the Northern Concan Ports Fund, the Central Concan Ports Fund, and the Southern Concan Ports Fund.

Ports comprised in Schedules A, B, and C, respectively, to be regarded as one Port, and the sums received at such Ports on account of Port-dues to form separate Funds.

VII. All sums received on account of Port-dues at any of the Ports comprised in each of the groups specified above, shall be available for the payment of all such expenses as are described in Section XLIV of the said Act XXII of 1855, incurred on account of any of the Ports in the same group.

Application of Port-dues.

VIII. This Act shall commence and have effect from and after the first day of July 1861.

Commencement of Act.

IX. The local Government shall, on or before the said 1st day of July 1861, pursuant to Section XLII of the said Act XXII of 1855, declare, by Notification to be published in the Bombay Government Gazette, the rate at which Port-dues shall be levied in the said Ports subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port-due shall be levied at any of the said Ports, except under the authority of the said Act XXII of 1855, and of this Act.

Rates of Port-dues to be published.

No other Port-due to be levied.

X. This

ACT No. XV OF 1861.

Act to be read as part of  
Act XXII of 1855.

X. This Act shall be read with and taken as a part  
of Act XXII of 1855.

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SCHEDULE A.

NORTHERN GROUP.

1. Calae.
2. Murrolee.
3. Oomergaum.
4. Danoo River.
5. Tarapoor.
6. Satpattee.
7. Mahim.
8. Kelvey.
9. Dantewra River.
10. Bassein River.

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SCHEDULE B.

CENTRAL GROUP.

1. Ootun.
2. Munnoree.
3. Versoah.
4. Bandora.
5. Tanna River.
6. Caranja River.
7. Panwell River.
8. Thull.
9. Alibag.
10. Mandvay.
11. Revdunda.
12. Thull Kharee.
13. Bankote River.

Schedule C.

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SCHEDULE C.

SOUTHERN GROUP.

1. Kelsee.
2. Hurnee.
3. Anjunwell River.
4. Boria.
5. Jyghur River.
6. Rutnagherry.
7. Poorunghur.
8. Eshwuntghur River.
9. Viziadroog River.
10. Dewghur.
11. Achray.
12. Malwan.
13. Newtee.
14. Vingorla.
15. Rairee.

ACT No. XVI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th July 1861.)

*An Act for licensing and regulating Stage Carriages.*

Preamble.

WHEREAS it is expedient to license and to regulate Stage Carriages in British India; It is enacted as follows :—

I. Every carriage drawn by one or more horses which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in British India, shall without regard to the form or construction of such carriage be deemed to be a Stage Carriage within the meaning of this Act. Provided that this Act shall not apply to carriages not ordinarily used for journies of a greater distance than twenty miles.

Definition of Stage Carriage.

Grant of licenses.

II. No carriage shall be used as a Stage Carriage unless licensed by a Magistrate or by the Chief Commissioner of Police of a Presidency Town.

Refusal of license.

III. The Magistrate or Chief Commissioner of Police to whom the application for a license of a Stage Carriage is made may refuse to license the same, if he shall be of opinion that such Stage Carriage is unserviceable or is unsafe or unfit for public accommodation or use. If a Magistrate or Chief Commissioner of Police as aforesaid shall grant

Particulars of license.

a license, the license shall set forth the number thereof, the name and residence of the proprietor of the Stage Carriage, the place at which his head office is held, the largest number of passengers and the greatest weight of luggage to be carried in or on such carriage, the number of horses by which such carriage is to be drawn, and the name of the place at which such carriage is licensed.

IV. For

ACT No. XVI OF 1861.

IV. For every such license there shall be paid by the proprietor of the Stage Carriage the sum of five Rupees, and such license shall be in force for one year from the date thereof.

Charge for and duration of license.

When a licensed Stage Carriage is transferred to a new proprietor within the year, the name of such new proprietor shall, on application to that effect, be substituted in the license for the name of the former proprietor without any further payment for that year, and every person who appears by the license to be the proprietor, shall be deemed to be such proprietor for all the purposes of this Act.

V. On any Stage Carriage being licensed, the proprietor thereof shall cause the number of the license and all the other particulars of the license to be distinctly painted in the English language and character upon a conspicuous part of such Stage Carriage.

Number of license, &c., to be painted on conspicuous part of carriage.

VI. The proprietor of any licensed Stage Carriage who shall let such Stage Carriage for hire without the particulars specified in Section III being painted on such carriage in the manner directed in the last preceding Section, shall be liable to a fine not exceeding one hundred Rupees.

Penalty for letting carriage for hire without having the number, &c., painted on it.

VII. Whoever lets for hire any Stage Carriage without the same being licensed as provided by this Act, shall be liable, on a first conviction, to a fine not exceeding one hundred Rupees, and on any subsequent conviction to a fine which may extend to five hundred Rupees.

Penalty for letting for hire unlicensed carriage.

VIII. Any proprietor, or agent of a proprietor, or any driver of a licensed Stage Carriage, who knowingly permits such carriage to be drawn by a less number of horses, or who knowingly permits a larger number of passengers, or a greater weight of luggage to be carried by such Stage Carriage than shall be provided by the license, shall be liable on a first conviction to a fine not exceeding one hundred Rupees, and on any subsequent conviction to a fine which may extend to five hundred Rupees. In every case where such Stage Carriage shall be proved to have been drawn by a less number of horses, or to have carried a larger number of passengers or a greater

Penalty for carriage drawn by less number of animals or carrying a greater number of passengers, &c., than is provided by the license.

ACT No. XVI of 1861.

greater weight of luggage than shall be provided by the license, the proprietor of such carriage shall be held to have knowingly permitted such offence, unless he shall prove that the offence was not committed with his connivance, and that he had taken every reasonable precaution and had made reasonable provision to prevent the commission of the offence.

IX. Any person who shall cruelly beat, ill-treat, over-drive, abuse, torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any horse employed in drawing or harnessed to any Stage Carriage, or who shall harness to or drive in any Stage Carriage any horse which from sickness, age, wounds, or other cause is unfit to be driven in such Stage Carriage, shall for every such offence be liable to a fine not exceeding one hundred Rupees.

X. Any Magistrate or Chief Commissioner of Police within the local limits of whose jurisdiction any Stage Carriage shall ply, or who has granted the license of any Stage Carriage, may cancel the license of such Stage Carriage if it shall appear to him that such Stage Carriage or any horse or any harness used with such carriage is un-serviceable or unsafe or otherwise unfit for public accommodation or use.

XI. In any Station or place in which a Magistrate shall reside and be, any Police Officer may, in any place within two miles of the Office of such Magistrate, seize any Stage Carriage with the horse harnessed thereto, if the full particulars of the license of such Stage Carriage be not distinctly painted on such Stage Carriage in the manner provided in Section V of this Act. Such carriage with the horse harnessed thereto shall be taken without delay by such Police Officer before such Magistrate who shall forthwith proceed to hear and determine the complaint of such Police Officer; and if thereupon any fine is imposed by such Magistrate and such fine is paid, such Stage Carriage and horse shall be immediately released; and if such fine be not paid, such Stage Carriage and horse may be detained for twenty days as security for the payment thereof; and if the fine be not sooner paid, they may be sold and the proceeds applied (so far as they extend) to the payment of the said fine, and all costs and charges incurred in account of the detention and sale; and the surplus (if any), when claimed, shall be paid to the proprietor of such carriage and horse; and if such surplus

be

ACT No. XVI OF 1861.

be not claimed within a further period of two months from such sale, the same shall be forfeited to the State. If the proceeds of such sale do not fully pay the fine and costs and charges aforesaid, the balance may be recovered as hereinafter provided.

XII. If any driver of any Stage Carriage, or any other person having the care thereof, shall through intoxication, neglect, or by wanton or furious driving, or by any other misconduct, endanger the safety of any passenger or other person, or shall injure or endanger the property of the proprietor of such Stage Carriage or of any other person, every such person so offending shall be liable to a fine not exceeding one hundred Rupees.

XIII. Whenever the driver of any Stage Carriage or the owner of any horse employed in drawing any Stage Carriage shall have committed any offence against this Act for the commission whereof any penalty is by this Act imposed, other than an offence specified in Section VIII, and such driver or owner shall not be known, or being known cannot be found, or if the penalty cannot be recovered from such driver or owner, the proprietor of such carriage shall be liable to every such penalty as if he had been the driver of such carriage or owner of such horse at the time when such offence was committed. Provided that if any such proprietor shall make out, to the satisfaction of the Magistrate before whom any complaint or information shall be heard, by sufficient evidence, that the offence was committed by such driver or owner without the privity or knowledge of such proprietor, and that no profit, advantage, or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or owner, and has done all that was in his power to recover the amount of the penalty from him, the Magistrate may discharge the proprietor from such penalty, and shall levy the same upon such driver or owner when found.

XIV. Whenever any charge is made before any Magistrate of any offence under this Act on which it is necessary to issue a summons to the proprietor of a Stage Carriage, the Magistrate shall issue such summons directed to such proprietor or his nearest agent, and may transmit



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transmit such summons by letter post which shall be deemed to be good service thereof. The letter shall be registered at the Post Office, and the cost of the registration shall be borne by the Government in the first instance, but may be charged as costs in the case. The summons shall allow a reasonable time, in reference to the distance to which the summons is sent, for the appearance of such proprietor or his agent as aforesaid.

XV. All penalties incurred under this Act shall be adjudged by a Magistrate or Chief Commissioner of Police as aforesaid, and all orders made under this Act by such Magistrate or Chief Commissioner of Police shall be final.

Adjudication of penalties.

XVI. All penalties imposed under this Act, or any balance of any fine, costs, or charges as mentioned in Section XI of this Act, may in case of non-payment or non-recovery thereof be levied by distress and sale of the moveable property of the offender by warrant under the hand of the Magistrate who imposed the same.

Recovery of penalties, &c.

XVII. In case any such penalties shall not be forthwith paid, such Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Offender may be apprehended and detained in custody until return of warrant of distress.

XVIII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Magistrate by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalty could be levied if warrant of distress were issued, such Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed

Imprisonment of offender if distress not sufficient.

ACT No. XVI OF 1861.

one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

**XIX.** If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of penalty and the costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

Recovery of penalty and costs from European British subjects.

**XX.** On complaint made before any Magistrate of any offence committed under this Act, it shall not be necessary to prove that the offence was committed within the local limits of such Magistrate or other Officer.

Jurisdiction.

**XXI.** The term "Magistrate" in this Act shall include all Magistrates and other persons exercising the powers of a Magistrate.

Interpretation:  
"Magistrate."

The term "British India" in this Act shall denote the Territories that are or shall be vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

"British India."

The term "horse" shall include ponies and mules.

"Horse."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include the feminine.

Gender.

**XXII.** Except in the Presidency of Fort St. George and the Settlement of Prince of Wales' Island, Singapore, and Malacca, this Act shall have effect on and after the 1st day of September 1861. In the said Presidency and Settlement respectively the Act shall have effect from the day when it shall be extended thereto by the local Government by an order published in the Government Gazette.

Commencement of Act.

ACT No. XVII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th July 1861.)

An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces.)

WHEREAS it is expedient to amend the law relating to Customs Duties, so far as relates to the Export Duty on Sugar or other saccharine produce in the North-Western Provinces : It is enacted as follows:—

I. From and after the ninth day of March 1861, in lieu of the Duty on Sugar and other saccharine produce, exported from the North-Western Provinces, authorized to be charged under Act XIV of 1843 (*for regulating the Customs Duties in the North-Western Provinces*), there shall be collected and paid the following Duty, that is to say—

Rate of Duty to be charged on the exportation of Sugar from 9th March 1861.

On the export of Misree, Kund, Cheenee, and all clayed and refined Sugar, one Rupee per Maund.

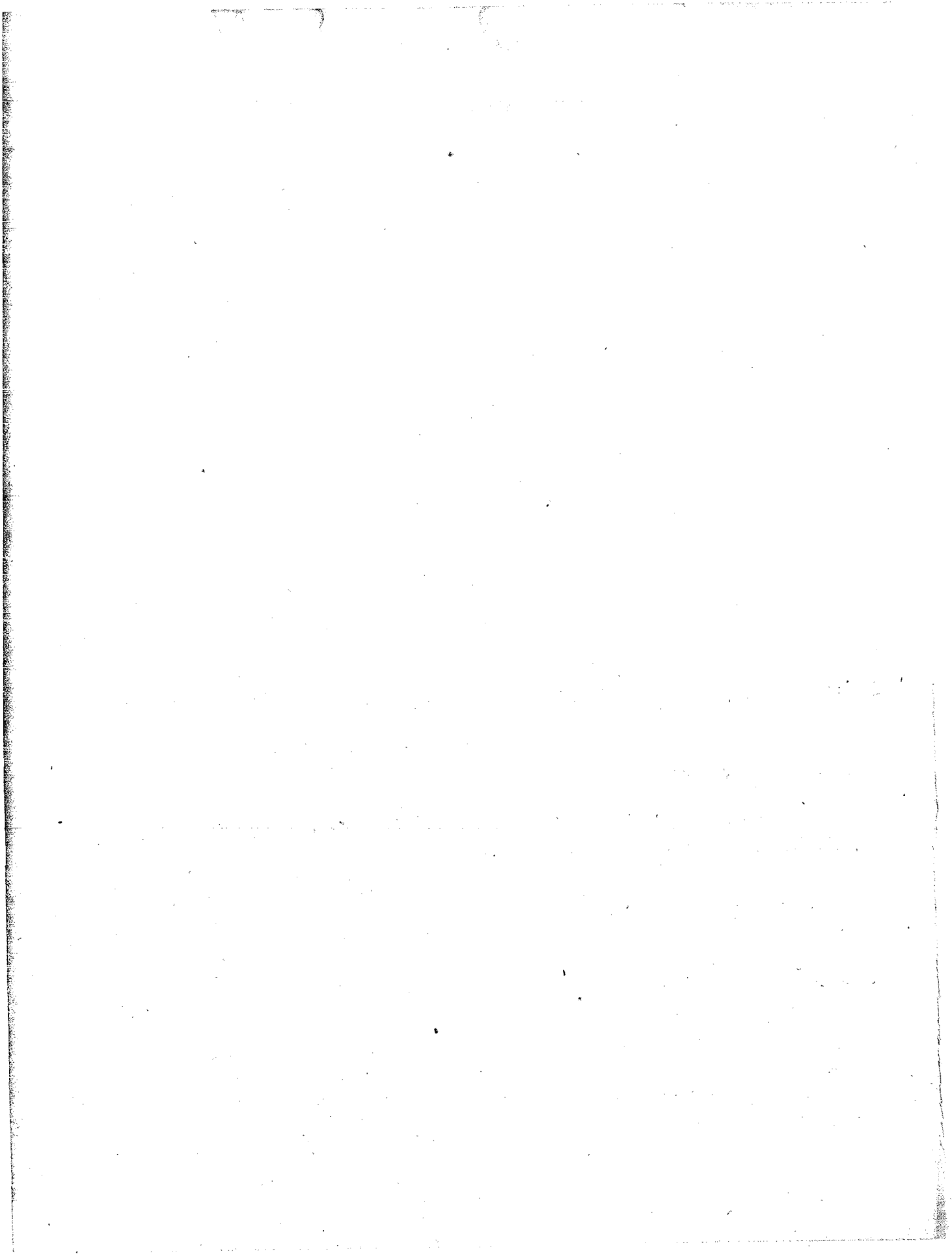
On the export of Goor, Râb, Sheerah, and all unclayed and unrefined saccharine produce, six Annas per Maund.

II. The said new Duty shall be collected and paid under the provisions of the said Act XIV of 1843, in the same manner as if the said new Duty had been imposed thereby.

New Duty to be collected under Act XIV of 1843.

III. Every Collector of Customs or other Officer is hereby indemnified for any thing done on or after the said ninth day of March 1861, in collecting or enforcing the amount or rate of Duty imposed by this Act, and no action or other proceeding shall be maintained against any Collector or other Officer in respect of any thing so done.

Indemnity to Collectors, &c.



ACT No. XVIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 16th July 1861.)

*An Act for imposing a Duty on Arts, Trades, and Dealings.*

Preamble.

WHEREAS it is expedient to impose a Duty on Arts, Trades, and Dealings; It is enacted as follows :—

I. Section V Regulation I. 1816 of the Madras Code (*for declaring the contributions hitherto paid in the Province of Tanjore on account of the Cavelly Police appropriable to the support of the new Police established or to be established in that Province, for regulating the collection and assessment of those contributions, and for extending and modifying the house tax hitherto collected for Police purposes in the Province aforesaid*), and so much of Clause 1 of Section VI of the said Regulation as requires the Collector of Land Revenue to levy and receive the house tax, Regulation IV. 1818 of the same Code (*prescribing Rules for the assessment and collection of the Veسابuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah*), and Regulation V. 1832 of the same Code (*declaratory of the liability of persons exercising certain arts, trades, and professions to the Moh-turfa Tax*), shall be repealed from the time at which this Act shall come into operation, except as to any tax which may then remain due and payable under the said Regulations.

II. From and after the 1st day of August 1861, every person or partnership in India who shall exercise any lawful art, trade, or dealing, for gain or profit, shall be required to pay the Duty specified in Schedule A of this Act.

License to carry on art, trade, or dealing.

III. The

ACT No. XVIII OF 1861.

III. The Collector or other person specially authorized by the local Government in that behalf shall, subject to the provisions of the Schedule of this Act, determine under what class every person by whom any Duty is payable under this Act shall be assessed, and shall have authority to exempt from payment of any Duty hereby imposed any person of whose inability to pay the same he may be satisfied, and the person so exempted shall not be liable to pay any Duty. Such person shall receive a certificate of such exemption.

Collector to determine the class under which a person shall be assessed.

Power of Collector to exempt.

IV. On or before the 1st day of August in every year, the Collector, or other person as aforesaid, shall make out a list of the persons liable to pay Duty under this Act, which list shall state the art, trade, or dealing of each of the persons therein named, the class under which he shall be assessed, and the duty payable by him, and extracts therefrom shall be published in each Thannah or other convenient Division, with the names of such persons as shall reside therein, and such list shall be filed in the Office of such Collector or other person as aforesaid.

List to be prepared and published.

V. The Duty payable under this Act shall be collected by the Collector of Land Revenue, or by such other person, not being an Officer of Police, as he shall appoint, subject to such general rules as shall be laid down by the local Government for his guidance in that respect.

Duty how to be collected.

VI. Every person who shall refuse to pay on demand made upon him or left at his usual place of business or residence any Duty which shall then be payable under this Act, shall be liable to pay a penalty not exceeding three times the amount of the Duty payable, which shall be recoverable in the same manner as arrears of Duty under Act XXXII of 1860 (*for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.*)

Penalty for non-payment.

VII. No person assessed for the payment of any Duty under the said Act XXXII of 1860 shall be liable to pay any Duty under this Act.

Exemption of persons assessed for Income Tax.

VIII. Every person who shall collect any Duty under this Act shall make out an account, specifying the amounts received by him, the names of the persons from whom the same shall be received,

Account to be kept by Collecting Officer.

ACT No. XVIII OF 1861.

received, and the art, trade, or dealing exercised by such persons, and shall annually or at such other times as shall be ordered by the Collector, or by the local Government, make a return thereof to the Collector.

IX. The Government may authorize the Collector to allow to any person employed in collecting the Duty under this Act and for keeping the account mentioned in the foregoing Section, such commission, not exceeding three per cent. on the amount collected, as the Collector may think fit.

Allowance to Collecting Officer.

X. All the provisions contained in Part XIX of the said Act XXXII of 1860, so far as they are applicable, shall have the same effect as if the same had been repeated and enacted in this Act.

Part XIX of Act XXXII of 1860 extended to this Act.

XI. All offences under this Act made punishable by any penalty may be prosecuted in the same manner as offences punishable by fines may be prosecuted under the said Act XXXII of 1860.

Adjudication of offences and recovery of penalties.

XII. Nothing in this Act shall be deemed to apply to any cultivator of land, as such, in respect of the cultivation or sale of the produce cultivated by him and not keeping any shop or store for the sale of such produce.

Act not to apply to cultivators of land.

XIII. Nothing in this Act shall be construed to alter or affect the provisions of any other Law or Regulation relating to licenses.

Saving of other Laws relating to licenses.

XIV. It shall be lawful for the Governor-General of India in Council from time to time to make rules for the guidance of Officers in matters connected with the enforcement of this Act provided such rules are not inconsistent with any of the provisions herein contained.

Governor-General in Council empowered to make rules.

XV. It shall be lawful for the Governor-General of India in Council to postpone, for such period as he shall deem necessary, the time for this Act to come into operation in any part of India.

Governor-General in Council empowered to postpone operation of Act in any part of India.

XVI. The

ACT No. XVIII of 1861.

XVI. The word "India" in this Act shall mean the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

Interpretation.

XVII. No part of this Act, except Section I, shall continue in force beyond the 31st of July 1866. Provided that this Act and the said Duty shall not then cease with respect to any assessment which ought to have been made before the said last-mentioned day, but which shall not then have been made and completed; nor with respect to the said Duty which shall have been assessed and shall then remain unpaid; nor with respect to any penalty before then incurred; nor with respect to any offence of which any person shall have been guilty before that day; nor shall the said Duty cease in any case when the assessments for the preceding year shall not have been completed before the said 31st day of July 1866. And all the powers and provisions of this Act shall continue in force for making and completing all such assessments as aforesaid, and for levying and recovering the Duty so assessed or to be assessed, and all arrears of such Duty and for the suing for, adjudging, and recovering any penalty which shall have been or may be incurred, and for the punishment of any offence of which any person shall have been guilty before that day.

Limitation of Act.

SCHEDULE A.

Every person who shall exercise any art, trade, or dealing for gain or profit for any period between the 1st August in one year and the 1st August in the succeeding year, shall pay for such period—

If belonging to Class	I	.....	3	Rs.
" " "	II	.....	2	"
" " "	III	.....	1	Re.



ACT No. XIX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 16th July 1861.)

*An Act to provide for a Government Paper Currency.*

WHEREAS it is expedient to provide for the issue by the Government of India of Promissory Notes payable to bearer on demand, and to regulate the mode of issuing and securing payment of the same ; and whereas due notice has been given by the Governor-General of India in Council to the Banks of Bengal, Bombay, and Madras respectively, as required by Acts VI of 1839, III of 1840, and IX of 1843, that the said Banks are to be modified by the power of the said Banks to issue Promissory Notes payable on demand ceasing from and after the day hereinafter provided ; It is enacted as follows :—

I. Section XXXI of the said Act VI of 1839, Section XXXI of the said Act III of 1840, and Section XXXIII of the said Act IX of 1843, so far as the said Sections authorize the Banks of Bengal, Bombay, and Madras respectively to issue Promissory Notes payable on demand, are repealed from and after the first day of March 1862.

II. After the passing of this Act, no Body Corporate, person or persons whatsoever, in British India, (except the Banks of Bengal, Madras, and Bombay, up to the said 1st day of March 1862, and except as hereinafter provided,) shall draw, accept, make, or issue any Bill of Exchange or Promissory Note, or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the Bills or Notes payable to bearer on demand of any such Body Corporate, or of any such person or persons. Provided that Cheques or Drafts payable to bearer on demand or otherwise may be drawn on Bankers, Sheriffs, or Agents by the

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by the customers or constituents of such Bankers, Shroffs, or Agents, in respect of deposits of money in the hands of such Bankers, Shroffs, or Agents, and held by them at the credit and disposal of the persons drawing such Cheques or Drafts.

III. There shall be established by the Governor-General of India in Council a department of the Public Service, to be called Department of Issue to be established. the Department of Issue, either in connection with the Mints or otherwise, and from and after the passing of this Act there may be issued from the said Department, as hereinafter provided, Promissory Notes of the Government of India payable to bearer on demand, for such sums, not being less than ten Rupees, as the Governor-General of India in Council shall from time to time direct.

IV. The Governor-General in Council, after the passing of this Act, shall appoint some person, who may be the Master of the Head Commissioner and Commissioners to be appointed. Mint at Calcutta, to be called the Head Commissioner of the Department of Issue, and two other persons, who may be the Master of the Mint at Madras and the Master of the Mint at Bombay, who shall be called respectively the Commissioners of the Department of Issue at Madras and Bombay, and it shall be lawful for the Governor-General of India in Council from time to time, by Rules to be published in the Gazettes of Calcutta, Madras, and Bombay, to make such arrangements through any Officers of Government or with any persons, Banks, or Bodies Corporate, either at Calcutta, Madras, and Bombay, or elsewhere, as may be required to regulate and facilitate the issue and payment, under the provisions of this Act, of Promissory Notes of the Government of India, of such denominations as shall be prescribed under the last foregoing Section, not being for any less sum than ten Rupees.

V. It shall be lawful for the Governor-General of India in Council from Power to Governor-General in Council to establish Circles of Issue. time to time, by order to be published in the Gazettes of Calcutta, Madras, and Bombay, to establish in British India, Districts, to be called "Circles of Issue," three of which Circles shall include the Towns of Calcutta, Madras, and Bombay, respectively, and in each Circle to appoint some one city or town to be the place of Issue of Notes, as hereinafter provided. It shall be lawful for the Governor-General of India in Council, by an order to be published as aforesaid, from time to time

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to time to alter or extend the limits of the said Circles or any of them. Promissory Notes of the Government of India may be issued in the several Circles of issue as hereinafter provided.

VI. For each Circle of Issue other than those which include the Towns of Calcutta, Madras, and Bombay, there shall be appointed by the Governor-General in Council an Officer of the Government or other person to be called the Deputy Commissioner of Issue. In any Circle of Issue there may be also established an Agency or Agencies of Issue in connection with a Bank or otherwise.

VII. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner; the Deputy Commissioners and Agents in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and the Deputy Commissioners and Agents in the Presidencies of Fort Saint George and Bombay shall be subordinate to the Commissioners of Madras and Bombay respectively.

VIII. The Head Commissioner of Issue for the time being shall provide, on paper to be specially manufactured for the purpose, Promissory Notes of the Government of India payable to bearer on demand, of the denominations which shall be from time to time prescribed under Section III of this Act, and shall supply or cause to be supplied to the Commissioners at Madras and Bombay, and to the several Deputy Commissioners and Agents, such Notes as they shall require for the purposes of this Act, and all Notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only at the Office or Offices or Agencies of Issue of such city or town, and at the Presidency Town of the Presidency within which such city or town is situated.

IX. The Head Commissioner, the Commissioners, and the Deputy Commissioners and Agents shall, in their respective "Circles of Issue," on the demand of any person, Issue from such Office or Offices or Agencies of Issue as shall be established in the appointed city or town in

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town in their respective Circles, Promissory Notes of such denominations as shall be prescribed under Section III, not being for any less sum than ten Rupees, on the terms following :—

*First*, in exchange for the amount thereof in current silver coin of the Government of India.

Or, *secondly*, in exchange for the amount thereof in standard silver bullion or foreign silver coin computed according to such standard, at the rate of 979 Rupees per 1000 tolahs of standard silver fit for Coinage ;

Provided that the said Head Commissioner, Commissioners, Deputy Commissioners, and Agents shall, in all cases, be entitled to require such silver bullion and foreign coin to be melted and assayed at the expense of the person tendering the same, and provided also that in all places where there is no Mint of the Government of India, it shall be optional for any such Head Commissioner, Commissioner, Deputy Commissioners and Agents, to issue Notes in exchange for silver or foreign coin under this Section ;

Or, *thirdly*, in exchange for other Notes of the Government of India payable to bearer on demand of other amounts issued within the same Circle.

Provided also, that it shall be lawful for the Governor-General in Council from time to time to direct, by order to be published in the Gazettes of Calcutta, Madras, and Bombay, that Notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices or Agencies of Issue as may be named in the order, in exchange for gold coin of full weight of the Government of India, or for foreign gold coin or gold bullion computed at such rates and according to such rules and conditions as shall be fixed by such order, and which rates, rules, and conditions shall not be altered without six months' previous notice. Whenever such order shall be issued, the Head Commissioner, Commissioners, Deputy Commissioners, and Agents, at the Offices or Agencies specified in the order, shall be bound to issue Notes on demand in conformity with such order.

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X. The whole amount of the bullion and coin so received for Notes shall be retained and secured as a reserve to pay such Notes, with the exception of such an amount, not exceeding four crores of Rupees, as the Governor-General in Council, with the consent of the Secretary of State for India, shall from time to time fix. The amount so fixed shall be published in the Gazettes of Calcutta, Madras, and Bombay, and shall be invested in Government securities, and the said coin, bullion, and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said Notes; and the said Notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government. Provided that any gold coin or bullion which may be received under this Act, may be sold or exchanged for silver coin or bullion to be so appropriated and set apart, instead of the gold coin or bullion.

XI. The Government Securities purchased under this Act in the Presidency of Fort William in Bengal shall stand in the name of the Head Commissioner and the Master of the Mint at Calcutta; the Government Securities purchased under this Act in the Presidency of Fort Saint George shall stand in the name of the Commissioner at Madras and the Master of the Mint at Madras; and the Government Securities purchased under this Act in the Presidency of Bombay shall stand in the name of the Commissioner at Bombay and the Master of the Mint at Bombay. Provided that if the Head Commissioner or Commissioner in any case be the Master of the Mint, the Governor-General in Council shall appoint another Trustee or Trustees in addition to the Master of the Mint.

XII. The Head Commissioner from time to time shall frame Rules to be approved by the Governor-General of India in Council, for keeping the accounts of the said Department of Issue, and for the auditing of such accounts, and for otherwise regulating the business of the Department; provided that such Rules shall be in no wise inconsistent with the provisions of this Act.

XIII. An abstract of the accounts of the Department, showing the whole amount of Notes in circulation, the amount of coin and bullion reserved, distinguishing gold from silver, and the amount

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amount of the Government Securities held by the said Department, shall be made up monthly in Calcutta, and published as soon as may be in the Gazettes of Calcutta, Madras, and Bombay.

XIV. It shall be lawful for the Head Commissioner in respect of the  
Securities to be disposed of when necessary. Presidency of Fort William in Bengal, and for the Commissioners at Madras and Bombay in respect of the Presidencies of Madras and Bombay respectively, at any time when they shall be ordered so to do by the Governor-General of India in Council, to sell and dispose of any portion of the abovementioned limited amount of Government Securities standing in their names respectively, and in the names of the Masters of the Mint or Trustees as aforesaid; and for the purpose of effecting such sales, the said Masters of the Mint or Trustees respectively shall, on a request in writing from the said Head Commissioner or Commissioners in their respective Presidencies, at all times sign and endorse such Government Securities as shall stand in their names respectively, and it shall be lawful for the said Head Commissioner or Commissioners, if directed by the Governor-General of India in Council, to purchase Government Securities to replace their sales.

XV. The interest accruing due on the Government Securities purchased  
Interest of Securities to be paid to the credit of Government. and held under this Act shall be entered in a separate account, to be annually rendered by the Head Commissioner to the Governor-General of India in Council; and the amount of such interest shall, from time to time, as it becomes due, be paid by the Accountants General in the several Presidencies of India, into the revenues of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of profits of the Note circulation and of the charges and expenses incidental thereto, shall be made up and published annually in the Gazettes of Calcutta, Madras, and Bombay.

XVI. Within any of the "Circles of Issue," as hereinbefore provided, a  
Notes where legal tender. tender of a Note or Notes issued under this Act from any Office or Agency of Issue of such "Circle of Issue," shall be a legal tender to the amount expressed in such Note or Notes, and shall be taken to be valid as a tender to such amount in payment of any revenue or other claim to the amount of ten Rupees and upwards due to the Government of India, and in payment of any sum of ten Rupees and upwards due by the Government of India, or by any Body Corporate or by any person or persons  
in British

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in British India, on all occasions whatsoever on which any tender of money can be legally made. Provided that no such Note or Notes shall be deemed to be a legal tender of payment by the Government of India at any Office or at the Issue Department of any Agency of Issue.

XVII. The name of the Head Commissioner, of either of the Commissioners, of any Deputy Commissioner, or of any other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign Notes issued under this Act, may be impressed or affixed by machinery provided for that purpose by the Government of India, and such printed names shall be taken to be good and valid signatures to all intents and purposes, as if such Notes had been subscribed in the proper handwriting of any one of the persons aforesaid whose signatures the said printing purports to represent.

XVIII. All Notes issued under this Act shall be deemed and taken to be Promissory Notes of the Government of India, and may and shall be described as Promissory Notes of the Government of India in all indictments, and in Criminal and Civil proceedings, any law or usage to the contrary notwithstanding.

XIX. If any Body Corporate or person, after the passing of this Act, shall, contrary to the provisions of this Act, draw, accept, make, or issue any Bill of Exchange, Promissory Note, or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the Bills or Notes or engagements for the payment of money payable to bearer on demand of any such Body Corporate or person, such Body Corporate or person shall be liable to a penalty to the amount of every such Bill of Exchange, Promissory Note, or engagement for the payment of money, to be recovered on the prosecution of the Head Commissioner, Commissioner, or Deputy Commissioner, as the case may be, of the "Circle of Issue" in which such Bill of Exchange, Promissory Note, or engagement for the payment of money is issued, before any Police Magistrate or Magistrate within such "Circle of Issue," and in case of conviction, and default of payment of such penalty, the Police Magistrate or Magistrate who shall try the case shall issue his warrant to levy the amount thereof, together with the reasonable costs of the prosecution, by distress

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by distress and sale of the goods and chattels of the Body Corporate or person so convicted.

XX. The words "British India" in this Act shall denote the Territories that are or may be vested in Her Majesty by the Statute Definition of "British India." 21 and 22 Vic. c 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.



ACT No. XX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th July 1861.)

*An Act to amend Act XXV of 1858 (for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay).*

Preamble.

WHEREAS it is expedient to amend Act XXV of 1858 ; It is enacted as follows :—

I. It shall be lawful for the Governor in Council of Bombay to remove from office any Municipal Commissioner elected or who may hereafter be elected by the Justices of the Peace in Sessions assembled, if the said Justices in Sessions assembled shall recommend such removal. In the event of a vacancy occurring by such removal, the Justices shall, as soon as convenient, elect a person to supply the vacancy until the next triennial election.

Removal of an elected Municipal Commissioner.

Vacancy so occurring how to be filled up.

II. So much of Section X of Act XXV of 1858 as prescribes that the annual rate thereby imposed shall be payable in quarterly instalments is repealed, and it is hereby enacted that the annual rate imposed by the said Section upon houses, buildings, and tanks in the Town of Bombay shall be payable by the owners thereof by yearly payments or by quarterly instalments as the Governor in Council, by a Notification to be published in the Government *Gazette* before the commencement of the year in which such rate is to have effect, shall think fit to require the same to be paid.

Annual rate how payable.

III. In

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ACT No. XX of 1861.

III. In addition to the Town Duties leviable under the said Act, the following Duties shall be levied in respect of the articles hereinafter mentioned when the same are imported from any place into the Town of Bombay and are intended for use therein, (that is to say)—

	Rs.	As.	Pie.	
Bricks.....	”	2	0	} <i>per thousand.</i>
Tiles,.....	”	2	0	

The said Duties shall be deemed Town Duties within the provisions of the said Act relating to Town Duties, and shall be levied and collected accordingly by and under the management of the Commissioner of Customs of Bombay and his Subordinate Officers, and shall be paid into the General Treasury to the credit of the Municipal Commissioners.

IV. If it appear to the Commissioner of Customs of Bombay that the amount of Town Duty leviable in respect of any articles cannot be ascertained at the time of importation by reason that the whole of the articles may not be intended for consumption or use within the Town or for any other reason, it shall be lawful for the said Commissioner to levy and collect such amount at any subsequent period.

V. The Port of Bombay shall, after the passing of this Act, be held to be a Warehousing Port within the meaning of Act XXV of 1836 so far as regards the Warehousing of Timber ; and the provisions of the said Act, so far as the same are applicable, shall be applied to the Warehousing of Timber in the said Town. In the construction of this Act and of Act XXV of 1836 in conjunction with this Act the Import Duty in Act XXV of 1836 shall be construed to mean the Town Duty leviable on Timber under Act XXV of 1858.

VI. If the Town Duty leviable under the said Act upon Timber is not paid at the time of importation, the Timber may be Warehoused or deposited in some place of security to be appointed or approved by the said Commissioner of Customs.

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toms. Such Warehouse or place shall be deemed a public Warehouse within the meaning of Act XXV of 1836, and the importer shall pay the Town Duty on the said Timber on its removal from such Warehouse or place for consumption in the said Town. When Timber so Warehoused or deposited is re-exported to any place beyond the limits of the said Town, the whole of the said Town Duty shall be remitted.

Remission of Town Duty on re-exportation of Timber.

VII. This Act shall take effect on and from the 1st day of September 1861, and shall be read with and taken as part of the said Act XXV of 1858.

Commencement and construction of Act.

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ACT No. XXI OF 1861.

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PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 27th July 1861.)*

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*An Act for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860).*

WHEREAS it is expedient to limit in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860) ; It is enacted as follows :—

I. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Government Gazette, to direct that within the Territories or any part of the Territories, subject to the local Government of any Presidency or place, the general or special notices required by Sections XXXVII and XXXVIII of the said Act XXXII of 1860, shall not be issued for the year commencing from the 31st day of July 1861 in respect to the duties contained in Schedules 1 and 2 of the said Act, and that in such Territories or part of such Territories the Returns of profits or income chargeable with duties under the said Schedules, as prescribed by Section XXXIX of the said Act, for the year commencing as above, shall not be required ;

Issue of General Notice regarding the rate and amount of assessment of duties under Schedules 1 and 2 for the year commencing 31st July 1861.

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quired; but that in the place of such notices a general notice shall be issued in such Territories or part of such Territories to the effect that, except as hereinafter provided, the assessment of the duties contained in the said Schedules for the year commencing as above upon the several persons liable thereto, either on their own behalf or on behalf of any other person, shall be at the same rate and on the same amount at and on which such persons were or shall be assessed for the year ending on the 31st day of July 1861.

II. The general notice to be issued under the last preceding Section shall be in the form appended to this Act or to the like effect, and shall fix a period of two months after which the assessments under this Act shall be made. Such notice shall be published in the Official Gazette of the Presidency or place within which it is issued, and in such other manner as the local Government shall direct, and copies of such notice shall be affixed at the several places within such Territories or part of such Territories which are mentioned in Section XXXVII of the said Act XXXII of 1860.

III. After the expiration of the period specified in such notice, the Officers within such Territories or part of such Territories whose duty it is to make assessments under the said Acts XXXII and XXXIX of 1860, shall proceed, except as hereinafter provided, without requiring the Returns prescribed by Section XXXIX of the said Act XXXII of 1860 for the year commencing from the 31st day of July 1861 in respect to the duties contained in Schedules 1 and 2 of the said Act, to assess the several persons in their respective jurisdictions liable to the said duties, either on their own behalf or on behalf of any other person, for the year commencing as above, at the same rate and on the same amount at and on which such persons were or shall be assessed to the said duties for the year ending on the date above-mentioned, and shall proceed to collect and recover the amount of such assessments under the provisions contained in the said Act XXXII of 1860 which are hereby declared applicable to the assessments so made.

IV. The assessment ordered to be the assessment for the year commencing from the 31st day of July 1861 under the last preceding Section shall, in the case of every person as aforesaid

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aforesaid who shall not claim to be assessed under Act XXXII of 1860 as hereinafter provided, be the assessment on every such person under Schedule 1 and 2 of the said Act XXXII of 1860 for the year commencing as above, and the duties imposed by the said Acts XXXII and XXXIX of 1860 under such Schedules shall be payable on such assessment in the same manner as if it had been made on a fresh Return made under Section XXXIX of the said Act XXXII of 1860; and all the provisions of the said Act XXXII of 1860 for the collection and enforcement of payment of duties assessed and payable under the said Act shall be applicable to the collection and enforcement of payment of the duties under the assessments herein provided for.

V. If any person within such Territories or part of such Territories chargeable with the duties contained in Schedules 1 and 2 of the said Act XXXII of 1860 or either of them, for the year commencing from the 31st day of July 1861, shall object to the assessment provided by this Act, and shall claim to be assessed under the said Act XXXII of 1860, he shall apply to the Assessor within whose jurisdiction he resides, for forms of Returns of profits or income chargeable under the said Schedules or either of them, and such person shall, within the period mentioned in such general notice, deliver the Return for the year commencing as above, filled up in the manner and containing the declaration prescribed by the said Act XXXII of 1860, at the Office of such Assessor or of the Special Commissioner or Collector, and claim to be assessed thereon in the same manner as if this Act had not passed. No such claim to be assessed under the said Act XXXII of 1860, shall be received unless made within the period aforesaid.

VI. When any claim shall be made under the provisions of the last preceding Section within the time therein allowed, it shall be the duty of the Assessor or the Special Commissioner or Collector, as the case may be, to whom such claim is made, to assess the person making it on his profits or income chargeable under the said Schedules for the year commencing from the 31st day of July 1861 in accordance with the provisions of the said Act XXXII of 1860, and all the provisions of the said Act shall be applicable to the Return and Declaration made by such person and to the assessment made upon him.

VII. Nothing

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VII. Nothing in this Act shall be held to debar the Commissioners of any Presidency Town or any Collector, from issuing or ordering the issue by an Assessor of a special notice according to the form and in the manner provided by Section XXXVIII of the said Act XXXII of 1860, to any person residing within the jurisdiction of such Commissioners or Collector whom they or he shall consider liable to the duties chargeable under the said Schedules 1 and 2, or either of them, for the year commencing from the 31st day of July 1861, but to whom a special notice requiring such person to make a return of his profits or income under the said Schedules for the year ending on the date abovementioned shall not have been issued within such jurisdiction; or to any person who such Commissioners or Collector shall have reason to believe made a fraudulent return of his profits or income under the said Schedules or either of them for the said last mentioned year, and who shall not have been surcharged upon such return; or to any person who shall have been assessed to the duties under the said Schedules or either of them on a return of profits or income calculated upon any period less than a whole year, Provided that no notice shall be issued under this Section after the expiration of three months from the date of the general notice mentioned in Section I of this Act.

VIII. When a special notice shall be issued to any person under the provisions of the last preceding Section, all the provisions of the said Act XXXII of 1860 as to special notices shall apply thereto and to any Return and Declaration made by such person and to the assessment of such person.

IX. When any transfer of any immoveable property, which shall have been or shall be assessed to the duties contained in the said Schedule I of the said Act XXXII of 1860 for the year ending upon the 31st day of July 1861, shall have taken place subsequently to the date at which such assessment shall have been or shall be made, the person in the enjoyment of the profits or income arising from such property, at the time that the assessment of duties thereupon for the year commencing from the said 31st day of July 1861 is made, shall be liable to be assessed on the profits of such property under the rules contained in the said Act XXXII of 1860 in the same manner as if this Act had not passed.

X. The



ACT No. XXI OF 1861.

Act not to apply to  
duties under Schedules 3  
and 4.  
duties.

X. This Act shall not apply to the duties contained  
in Schedules 3 and 4 of the said Act XXXII of 1860,  
or to the assessment, collection, and recovery of such  
duties.

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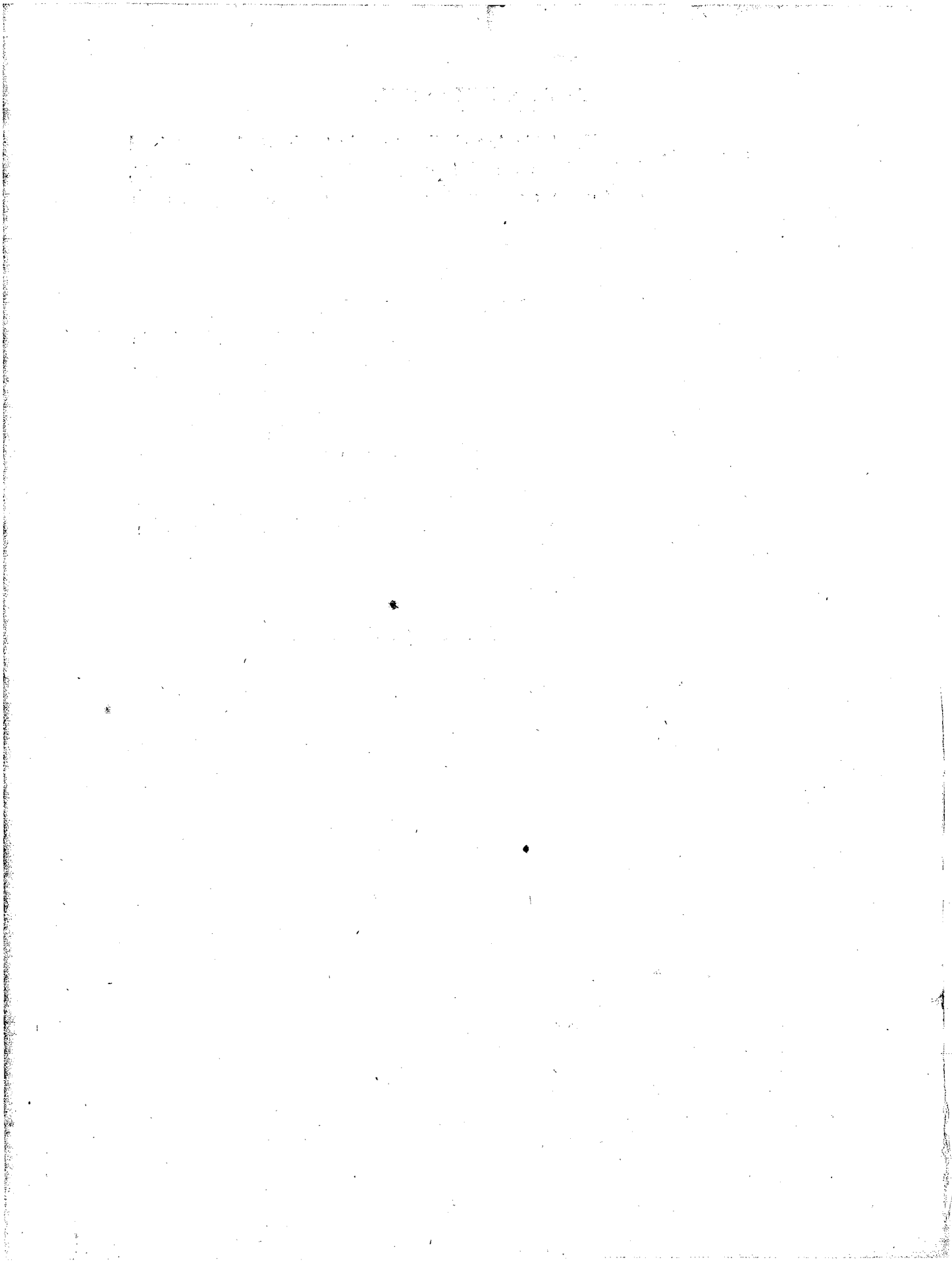
NOTICE.

Income Tax Act, Schedules 1 and 2.

Under the orders of the Governor-General of India in Council, Notice is hereby given that, except in the case of any person or persons to whom a special notice is issued, the assessment for the Income Tax for the year commencing from the 31st July 1861 under Schedules 1 and 2 Act XXXII of 1860 (Income Tax Act) will be the same as for last year ; provided that if any person object to such assessment, he may apply to the Assessor of his Division for forms of Returns of profits or income under the said Schedules, and send in his Return thereof within two months from the date of this Notice, and he will then be assessed on such Return under the said Act XXXII of 1860.

dated

Collector (or Commissioner.)



ACT No. XXII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*Handwritten notes:*  
S. 1. 1857  
1861

(Received the assent of the Governor General on the 20th August 1861.)

*An Act to amend Act III of 1857 (relating to trespasses by Cattle.)*

Preamble.

WHEREAS it is expedient to amend Act III of 1857 (relating to trespasses by Cattle) ; it is enacted as follows :—

lows :—

I. Whoever with intent to cause or knowing that he is likely to cause Punishment for causing Cattle to trespass. wrongful loss or damage to any person, causes Cattle to trespass on any land or on the crop cultivated on any land, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to three months, or with fine not exceeding two hundred Rupees, or with both.

II. Whoever commits the offence defined in the foregoing Section, and Punishment for committing the same offence and thereby causing damage to the amount of 50 Rs. thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to two years, or with fine not exceeding two hundred Rupees, or with both.

III. The term "Magistrate" in the foregoing Sections shall include any Definition of "Magistrate." Officer who, by any law for the time being in force, is competent to sentence any offender to imprisonment for the period of six months and to a fine amounting to two hundred Rupees.

IV. When

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IV. When a fine is imposed upon a conviction for any offence under this Act, the Magistrate may order that the fine or any part thereof, not exceeding the loss appearing to be caused to any person who has suffered by such offence, be paid to such person, and in any such case the fine when levied or received shall be paid accordingly.

Award of fine to the injured party.

Proviso.

No amount ordered to be paid under this Section shall be paid over to the person to whom it is awarded until the lapse of thirty days from the date of such order, unless such order shall have been sooner confirmed by an Appellate Court.

V. Any sentence or order made in any case tried under this Act shall be subject to appeal, in like manner as the sentences or orders made by the Magistrate or other Officer aforesaid in criminal trials are subject to appeal by any law for the time being in force.

Appeal.

VI. The power of seizing or causing to be seized any Cattle trespassing on, or doing damage to, any land or to any crop or produce thereon, conferred by Section II of the said Act III of 1857, may be exercised, subject to the provisions of the said Act, by any person who has given cash advances for the cultivation of the crop or produce on such land or to whom such crop or produce shall have been sold or mortgaged.

Power of seizing Cattle.

## ACT No. XXIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 28th August 1861.)*

*An Act to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)*

WHEREAS it is expedient to amend Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)* and to consolidate the Acts previously passed for the amendment of the said Act ; It is enacted as follows :—

Preamble.

1. Sections 23, 33, 193, 215, 274, 283, 332, 339, 358, 375, and 381 of Act VIII of 1859, Act IV of 1860 *(to amend Act VIII of 1859)*, Section X Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter)*, and Act XLIII of 1860 *(to amend Act VIII of 1859)*, are hereby repealed.

Acts repealed.

2. Every process required to be issued under Act VIII of 1859, shall be served at the expense of the party at whose instance it is issued, unless otherwise specially directed by the Court ; and the sum required to defray the costs of such service shall be paid into the Court before the process is issued, within a period to be fixed by the Court issuing the process.

Cost of serving process.

Requisite sum to be paid into Court within a certain time before process is issued.

3. If it appear to the Court in any case relating to land or other immoveable property that such land or other property is not situate within the limits of the jurisdiction of the Court, or in any other case that the cause of action did not arise, and that the defendant is not dwelling or personally working for gain, within such limits, the Court shall return the plaint to the plaintiff in order to its being presented in the proper Court.

Plaint to be returned, if it appear to the Court that it has not jurisdiction.

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4. If in any suit there are more defendants than one, and at the date of the institution of the suit all the defendants shall not reside within the jurisdiction of the Court in which the suit is brought, but one or more of the defendants shall reside within such jurisdiction, the suit shall not be rejected by reason of all the defendants not residing within the jurisdiction of the Court in which the suit is brought, but the District Court, if the suit is pending in any Court subordinate to such Court, or the Sudder Court, may order that the suit be heard in any Court subordinate to such Sudder or District Court, and competent in respect of the value of the suit to try the same.

In what Court a suit against several defendants may be brought.

5. If on the day fixed for the defendant to appear and answer to a suit, it shall be found that the summons to the defendant has not been served in consequence of the failure of the plaintiff to deposit, within the time allowed, the sum required to defray the cost of issuing the summons, the Court may order that the suit be dismissed. Provided that no such order shall be passed, although the summons shall not have been served upon the defendant, if on the day fixed for the defendant to appear and answer he shall have entered an appearance by a pleader or by a duly authorized Agent when he is allowed to appear by Agent, or shall be in attendance in person.

Procedure on discovery, on the day fixed for defendant to appear and answer, that usual notice has not been served in consequence of failure of plaintiff to deposit the cost of issuing the same.

6. The provisions of the last preceding Section shall apply to appeals also.

Provisions of last Section to apply to appeals also.

7. Whenever a suit is dismissed under the provisions of Section 5 of this Act, the plaintiff shall be at liberty to institute a fresh suit, unless precluded by the rules for the limitation of actions, or if the plaintiff shall satisfy the Court within the period of thirty days from the date of the order dismissing the suit, that there was a sufficient excuse for his not making the deposit required within the time allowed, the Court may order a fresh summons to issue upon the plaint already filed.

Procedure in case of dismissal of suit under Section 5.

8. When a person arrested under a warrant in execution of a decree for money shall, on being brought before the Court, apply for his discharge on either of the grounds mentioned in Section 273 of Act VIII of 1859; the Court shall examine the applicant in the presence of the plaintiff or his pleader, as to his then circumstances and as to his future means of payment, and shall call upon the plaintiff

Procedure on application for discharge by a person arrested in execution of a decree for money.

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to show cause why he does not proceed against any property of which the defendant is possessed and why the defendant should not be discharged; and should the plaintiff fail to show such cause, the Court may direct the discharge of the defendant from custody. Pending any enquiry which the Court may consider it necessary to make into the allegations of either party, the Court may leave the defendant in the custody of the Officer of the Court to whom the service of the warrant was entrusted, on the defendant depositing the fees of such Officer, which shall be at the same daily rate as the lowest rate charged in the same Court for serving process; or if the defendant furnish good and sufficient security for his appearance at any time when called upon while such enquiry is being made, his surety or sureties undertaking in default of such appearance to pay the amount mentioned in the warrant, the Court may release the defendant on such security.

9. If the Court shall at any time think it necessary for the ends of justice to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own accord, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession on a day to be appointed, and may examine such person as a witness. The costs of summoning such person, if not deposited by either party to the suit, shall be paid by the Collector under an order of the Court, and shall be costs in the suit, and shall be paid out of any money recovered on account of costs in the suit, whether at the instance of the Government or of either party, before any other costs in the suit are paid.

10. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court may think proper to be paid on the principal sum adjudged from the date of suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the date of suit; with further interest on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment.

11. All questions regarding the amount of any mesne profits which by the terms of the decree may have been reserved for adjustment in the execution of the decree, or of any mesne profits or interest which may be payable in respect of the subject-matter of a suit between the date of the institution of the suit and execution of the decree, as well as questions

How questions regarding amount of mesne profits and interest and sums paid in satisfaction of decrees, &c., are to be determined.

tions

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tions relating to sums alleged to have been paid in discharge or satisfaction of the decree or the like, and any other questions arising between the parties to the suit in which the decree was passed and relating to the execution of the decree, shall be determined by order of the Court executing the decree, and not by separate suit, and the order passed by the Court shall be open to appeal. Provided that if upon a perusal of the petition of appeal and of the order against which the appeal is made, the Court shall see no reason to alter the order, it may reject the appeal, and it shall not be necessary in such case to issue a notice to the respondent before the order of rejection is passed.

12. An appeal from an order passed in execution of a decree which shall have been rejected as inadmissible under Section 364 of Act VIII of 1859, or which would have been inadmissible before the passing of this Act, but which is rendered admissible by this Act, may be admitted on an application in writing to the Court which rejected the appeal, or by which the appeal, had it been admissible before the passing of this Act, would have been cognizable, provided the application be preferred within ninety days from the date of the passing of this Act. The application may be written on the Stamp paper prescribed for petitions in the Court to which it is presented when a Stamp on petitions is required.

Appeals from orders rejected under Section 364 Act VIII of 1859, may be admitted on application.

Application to be on Stamp paper.

13. When a decree is passed in any suit of the nature and amount cognizable by Courts of Small Causes constituted under Act XLII of 1860, the Court passing the decree, whether such Court be a Court constituted as aforesaid, or any other Court, may, at the same time that it passes the decree, on the verbal application of the party in whose favor the decree is given, direct immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court passing the decree, or against the personal property of the judgment-debtor within the same limits. If the warrant be directed against the personal property of the judgment-debtor, it may be general against any personal property of the judgment-debtor wherever it may be found within the local limits of the jurisdiction of the Court, or special against any personal property belonging to the judgment-debtor within the same limits, which shall be indicated by the judgment-creditor.

In suits of the nature and amount cognizable by Small Cause Courts, Court may on verbal application of the judgment-creditor direct immediate execution either against the person or property of judgment-debtor.



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14. When the land sold in execution of a decree is a share of a Putteedaree Estate paying revenue to Government as defined in Section II Act I of 1841 (*for facilitating the collection of the Revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedaree Estates*), if the lot shall have been knocked down to a stranger, any co-sharer other than the judgment-debtor, or any other member of the coparcenary, may claim to take the share sold at the sum at which the lot was knocked down.

Co-sharer of a share of a Putteedaree Estate sold in execution of decree may claim to take the share at the sale price.

Provido. Provided that the claim be made on the day of sale, and that the claimant fulfil all the conditions of the sale.

15. The Court, on receiving any application for execution of a decree containing the particulars mentioned in Section 212 of Act VIII of 1859, or such of them as may be applicable to the case, shall enter a note of the application and the date on which it was made in the Register of the suit. If it shall be shown to the Court that the particulars do not correspond with the original decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. If the application be admitted, the Court shall order execution of the decree according to the nature of the application.

Procedure on receiving application for execution of decree.

16. When in any case pending before any Court any witness or other person shall appear to the Court to have been guilty of an offence described in Section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, or 210 of the Indian Penal Code, the Court may commit such person to take his trial for the offence before the Court of Session, or after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having jurisdiction to try or commit for trial the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law.

Procedure when certain offences under Chapter XI of the Penal Code are committed in any case pending before any Court.

17. The Court may send the person accused in custody or take sufficient bail for his appearance before the Magistrate and may bind over any person to appear and give evidence before the Magistrate.

Court may take bail and bind over witnesses to give evidence.

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18. When the commitment is made by the Court, the Court shall frame a charge in the manner provided in Chapter XIII of the Code of Criminal Procedure, and shall transmit the same with the order of commitment and the record of the case to the Magistrate, and such Magistrate shall bring the case together with the witnesses for the prosecution and defence before the Court of Session.

19. When in any case pending before any Court there shall appear to the Court sufficient ground for sending for investigation to the Magistrate, a charge described in Section 463, 471, 475, or 476 of the Indian Penal Code, which may be preferred in respect to any deed or paper offered in evidence in the case, the Court may send the person accused in custody to the Magistrate or take sufficient bail for his appearance before the Magistrate. The Court shall send to the Magistrate the evidence and documents relevant to the charge, and shall bind over any person to appear and give evidence before such Magistrate. The Magistrate shall receive such charge and proceed with it under the rules for the time being in force.

20. If the person accused or any one of the persons accused in any case falling under Section 16 or Section 19 of this Act is a European British subject, the Court shall send such person in custody or take sufficient bail for his appearance before an Officer empowered to commit or hold to bail persons charged with offences for trial before a Supreme Court of Judicature, and such Officer shall proceed according to law.

21. When any such offence as is described in Section 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of any Court, it shall be competent to such Court to cause the offender, whether he be a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day to take cognizance of the offence; and to adjudge the offender to punishment by fine not exceeding two hundred Rupees, or by imprisonment in the Civil Jail for a period not exceeding one month unless such fine be sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. If the Court, in any case, shall consider that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred Rupees should be imposed upon him, such Court, after recording

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ording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or if sufficient bail be not tendered shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment, as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53 George III, c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature.

22. When any person has been sentenced to punishment under the last preceding Section, for refusing or omitting to do anything which he was lawfully required to do, it shall be competent to the Court to discharge the offender, or to remit the punishment, on the submission of the offender to the order or requisition of such Court.

23. Except when otherwise expressly provided in this or any other Regulation or Act for the time being in force, an appeal shall lie from the decrees of the Courts of original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts. If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court. If, when the Court consist of only two Judges, there is a difference of opinion upon the evidence in cases in which it is competent to the Court to go into the evidence, and one Judge concur in opinion with the Lower Court as to the facts, the case shall be determined accordingly: if in a Court so constituted there is a difference of opinion upon a point of law, the Judges shall state the point upon

Discharge of an offender on his submission.

Appeal to lie from all decrees, except when expressly prohibited.

Appeal to Sudder Court to be heard by two or more Judges.

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upon which they differ, and the case shall be re-argued upon that question before one or more of the other Judges and shall be determined according to the opinion of the majority of the Judges of the Sudder Court by whom the appeal is heard.

24. The sureties for the appearance of any person under Section 76 of the said Act VIII of 1859, may at any time apply to the Court in which they became such sureties to be discharged from their engagements. On such application being made the Court shall summon such person to attend, or if it shall think fit may issue a warrant in the first instance for his appearance. On the appearance of such person pursuant to the summons or warrant or on his voluntary surrender, the Court shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties and thereupon proceedings shall be had under Sections 77 and 78 of the said Act.

Procedure in case of application by sureties to be discharged.

25. If the application for the admission of a special appeal be not written on a Stamp paper of the prescribed value, or if it be not drawn up in the manner laid down in Section 374 of Act VIII of 1859, or if it do not state any ground on which a special appeal will lie under the provisions of Section 372 of the said Act, the Court may reject the application, or may return it to the party for the purpose of being corrected. The order for rejecting the application or for returning it to the party may be passed by a single Judge of the Court. When the application is correctly drawn up, it shall be registered in a book to be kept for that purpose, which shall be in the form contained in the Schedule D. of the said Act, and the case shall proceed in all other respects as a regular appeal, and shall be subject to all the rules hereinbefore provided for such appeals, so far as the same may be applicable.

Application for the admission of a special appeal informally drawn up, how to be dealt with.

26. No appeal shall lie from any order or decision passed in any suit instituted under Section XV Act XIV of 1859 (*to provide for the limitation of suits*), nor shall any review of any such order or decision be allowed.

No appeal from order or decision under Section 15 Act XIV of 1859.

27. No special appeal shall lie from any decision or order which shall be passed on regular appeal after the passing of this Act by any Court subordinate to the Sudder Court, in any suit of the nature cognizable in Courts of Small Causes under Act XIII of 1860 (*for the establishment of Courts of Small Causes beyond the*

No special appeal from decision of any Court subordinate to the Sudder Court in certain suits.

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*the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), when the debt, damage, or demand for which the original suit shall be instituted shall not exceed five hundred Rupees ; but every such order or decision shall be final.

28. If in any suit in which an order or decision is made final under the last preceding Section, any question of law, or usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court trying such suit shall entertain reasonable doubts, the Court may, either of its own motion or on the application of either of the parties to the suit, draw up a statement of the case and submit such statement with its own opinion for the decision of the Sudder Court.

29. The Court may proceed in the case notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred ; but no execution shall be issued in any case in which a reference shall be made to the Sudder Court until the receipt of the order of that Court.

30. Cases referred for the opinion of the Sudder Court shall be dealt with by two or more Judges of that Court.

31. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court-house of that Court.

32. The parties to the case may appear and be heard in the Sudder Court in person or by pleader.

33. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment under the seal of the Court and the signature of the Register, to the Court by which the reference was made ; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

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Costs of reference to  
Sudder Court.  
the suit.

34. Costs, if any, consequent on the reference of a case for the opinion of the Sudder Court, shall be costs in

35. The Sudder Court may call for the record of any case decided on appeal by any Subordinate Court in which no further appeal shall lie to the Sudder Court, if such Subordinate Court shall appear in hearing the appeal to have exercised a jurisdiction not vested in it by law, and the Sudder Court may set aside the decision passed on appeal in such case by the Subordinate Court, or may pass such other order in the case as to such Sudder Court may seem right.

Sudder Court may call for record of lower Appellate Court, and set aside its decision, though no appeal shall lie to the Sudder Court.

36. When an order is made for the execution of a decree against which an appeal has been preferred, it shall be lawful for the Court which pronounced the decree to require security to be given for the restitution of any property which may be taken in execution of the decree or of the value thereof, and for the due performance of the decree or order of the Appellate Court. The Appellate Court may in any such case direct the Court which pronounced the decree to take such security.

Security may be taken when execution is required of a decree which has been appealed against.

37. Unless when otherwise provided, the Appellate Court shall have the same powers in cases of appeal which are vested in the Courts of original jurisdiction in respect of original suits.

Appellate Court to have same powers as Courts of original jurisdiction.

38. The procedure prescribed by Act VIII of 1859 shall be followed as far as it can be in all miscellaneous cases and proceedings which after the passing of the Act shall be instituted in any Court.

Procedure prescribed by Act VIII of 1859, to be followed in all future miscellaneous cases and proceedings.

39. When under the provisions of Section 385 of the said Act, the Act is extended to any part of the Territories not subject to the General Regulations of Bengal, Madras, and Bombay, it shall be lawful for the Government to which the territory is subordinate to declare that the Act shall take effect therein subject to any restriction, limitation, or proviso which it may think proper. In such case the restriction, limitation, or proviso shall be inserted in the declaration or notification of such extension. When the Act is extended by the Local Government to any territory subordinate

Extension of Act to Non-Regulation Provinces.

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subordinate to such Government, and such extension is made subject to any restriction, limitation, or proviso, the previous sanction of the Governor-General of India in Council shall be requisite.

40. The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of that Court and the Courts subordinate to it, and also to frame forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, for keeping all books, entries, and accounts to be kept by the officers, and for the preparation and submission of any statements to be prepared and submitted by such Courts, and from time to time to alter any such rule or form ; provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law in force. Any rules framed under this Section shall be published in the Official Gazette.

Sudder Court to make general rules for regulating proceedings, &c.

Interpretation of "Pleader."

41. The word "Pleader" as used in this Act shall include the words "Counsel" and "Advocate."

Short Title.

42. Act VIII of 1859 shall be called the Code of Civil Procedure.

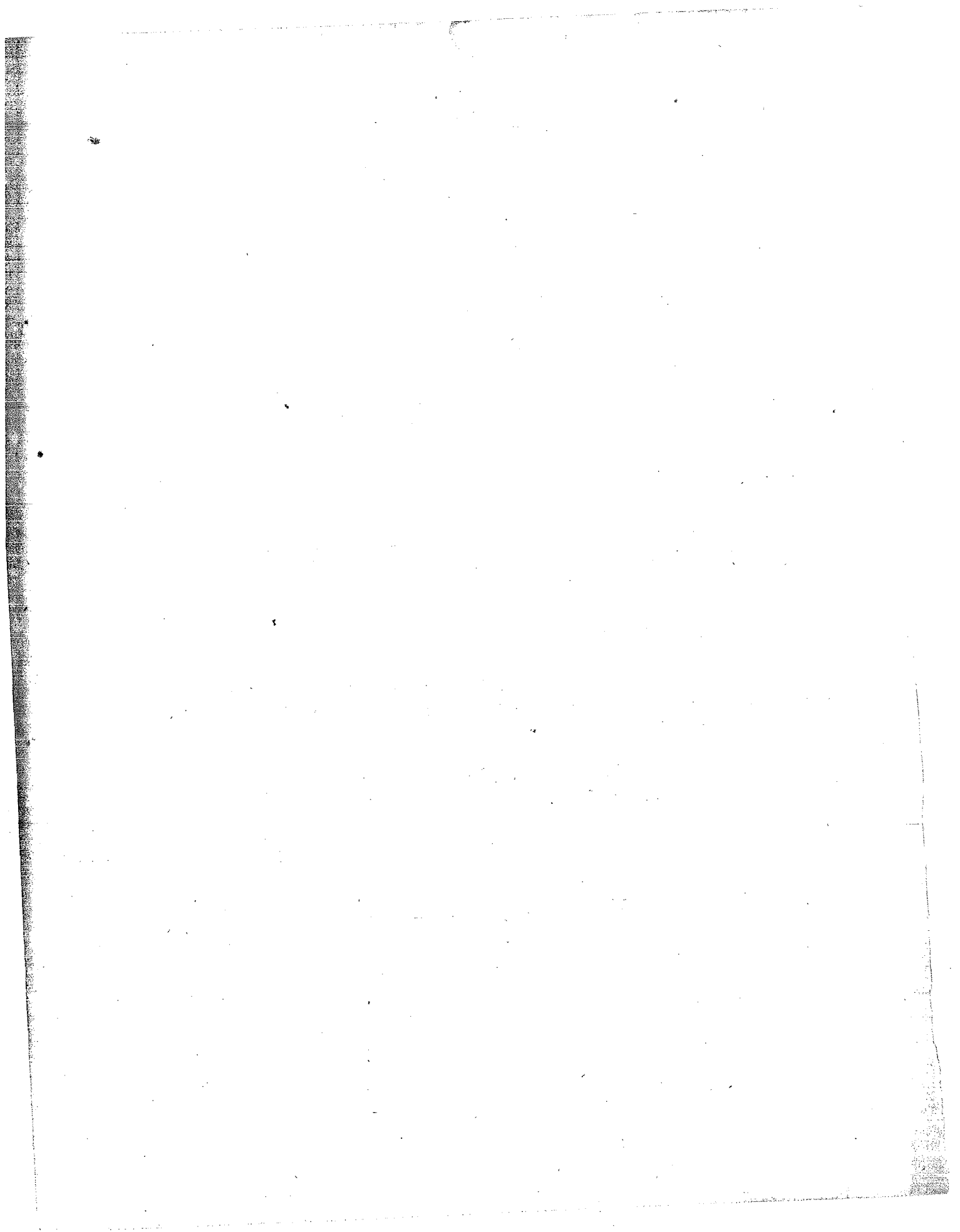
Sections 16 to 22 of this Act when to take effect.

43. Sections 16, 17, 18, 19, 20, 21, and 22 of this Act shall not take effect until the date on which the Indian Penal Code and the Code of Criminal Procedure shall come into operation.

Construction.

44. This Act shall be read and taken as part of Act VIII of 1859.

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ACT No. XXIV OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 31st August 1861.)

*An Act to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.*

WHEREAS it is expedient to authorize the Banks of Bengal, Madras, and Bombay to enter into the agreements and arrangements, hereinafter mentioned ; it is enacted as follows :—

I. It shall be lawful for any of the said Banks, by agreements under their corporate seal, to enter into agreements or arrangements with the Secretary of State for India in Council through the Governor-General of India in Council, the Governor of Madras in Council, and the Governor of Bombay in Council respectively, for superintending, managing, and becoming agents for the issue, payment, and exchange of Promissory Notes of the Government of India, payable on demand under Act XIX of 1861 (*to provide for a Government Paper Currency*) or any Act which may hereafter be passed in relation to the Paper Currency of the Government of India ; for the carrying on the business of an Agency of issue under the said Act XIX of 1861 in any circle of issue in which any of the said Banks shall have established a Branch Bank under Act VI of 1839 (*relating to the Bank of Bengal*) or any other Act ; and for transacting any part of the business of, or hitherto generally transacted by, or at the General Treasuries of the Governments at the several Presidencies of Fort William, Madras, and Bombay respectively.

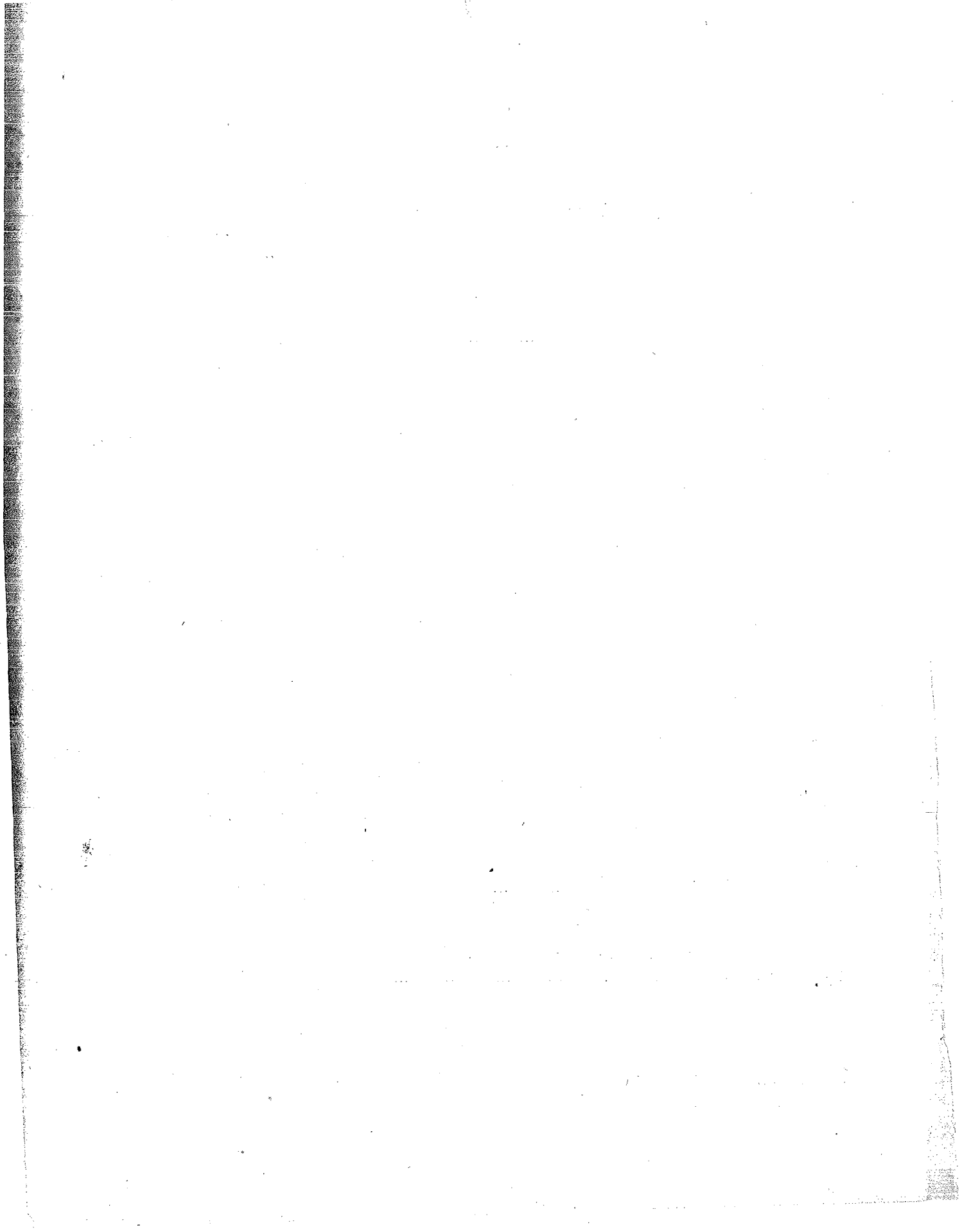
II. It

II. It shall be lawful for the said Banks of Bengal, Madras, and Bombay, in addition to the modes of business in which they may now  
Banks may transact the business incident to such arrangements. by law be respectively engaged, to transact, in accordance with the provisions of the said agreements or arrangements entered into under Section I of this Act, all or any of the business appertaining to the superintendence, management, or agency for the issuing, payment, or exchange in the first Section mentioned and the business of an Agency of issue under the said Act XIX of 1861 in any such circle of issue as aforesaid, or all or any of the business of, or hitherto generally transacted by, the General Treasuries in that Section mentioned.

# THE CODE OF CRIMINAL PROCEDURE.

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Form of Security to be subjoined to the Bond of the Principal.

#### SCHEDULE.

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# ACT No XXV OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th September 1861.)

*An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.*

Preamble. WHEREAS it is expedient to simplify the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is enacted as follows :—

Short title. 1. This Act shall be called the Code of Criminal Procedure.

## CHAPTER I.

### OF DEFINITIONS.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

3. The words "British India" shall denote the territories that are or shall become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

4. The words "special law" shall denote a law applicable to a particular subject.

5. The words "local law" shall denote a law applicable only to a particular part of British India.

6. The words "moveable property" shall include corporeal property of every description, except land and things attached to the earth or permanently fastened to any thing which is attached to the earth.

ACT No. XXV OF 1861.

Number. 7. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. 8. Words importing the masculine gender shall include the feminine.

"Enquired into." 9. The words "enquired into" shall be deemed to comprise every proceeding preliminary to trial; and the word "determined" to comprise trial, and every subsequent proceeding, including the punishment of the offender.

"Written." 10. The word "written" shall include "printed," "lithographed," and "engraved."

"Criminal Court." 11. The words "Criminal Court" shall denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance or on appeal, or for commitment to any other Court or Officer.

"Court of Justice." 12. The words "Court of Justice" shall denote a Judge who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Session." 13. The words "Court of Session" shall, subject to the limitations in Section 22, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

"Magistrate of the District." 14. The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such Officer is called.

"Magistrate." 15. The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate." 16. The words "the powers of a Magistrate" shall imply the full powers of a Magistrate.

"Any of the powers of a Magistrate." 17. The words "any of the powers of a Magistrate" shall denote powers less than the full powers of a Magistrate.



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18. The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

19. In any part of British India to which this Act shall be extended, under the provisions of Section 445, the words "Sudder Court" shall denote the highest Criminal Court of Appeal or revision in such part established.

20. 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 according to the British Calendar.

CHAPTER II.

OF THE JURISDICTION OF THE CRIMINAL COURTS.

21. The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code (Act XLV of 1860) or under any special or local law (except offences which are by any such law made punishable by some other authority therein specially mentioned), and in the investigation and trial of the offences hereby declared to be within their jurisdiction, shall be guided by the provisions of this Act.

22. The offences mentioned in the Schedule annexed to this Act shall, subject to the provision contained in the third explanatory note prefixed to the said Schedule, be triable by the Courts specified in Column 7 of the said Schedule, and such Courts shall be competent to pass sentence in respect of such offences within the following limits, (that is to say,)

The Court of Session. Death (subject to confirmation by the Sudder Court).  
Powers of Court of Session. Transportation, imprisonment of either description for a period not exceeding fourteen years, including such solitary confinement as is authorized by law, or fine to an unlimited amount,

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or both transportation and fine, or imprisonment and fine, in cases in which both punishments are authorized by the Indian Penal Code. In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

In the Presidency of Bombay it shall be lawful for a Sessions Judge to delegate cases for trial by an Assistant Sessions Judge :  
Assistant Sessions Judges in Bombay. and such Assistant Sessions Judge shall be competent in such cases to pass sentences within the following limits :—Imprisonment of either description for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both. If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge. The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance), or may reverse their sentences or orders. It shall not be competent to an Assistant Sessions Judge to review or hear an appeal against the proceedings of a Magistrate.

The Magistrate of the District or other Officer authorized to exercise  
Powers of the Magistrate of the District. the powers of a Magistrate. Imprisonment of either description not exceeding the term of two years, including such solitary confinement as is authorized by law, or fine to the extent of one thousand Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Subordinate Magistrates or Officers authorized to exercise any of the powers of a Magistrate—

1st. Class. Imprisonment of either description not exceeding six months,  
Powers of Subordinate Magistrates, 1st Class. or fine not exceeding two hundred Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

2nd Class. Imprisonment of either description not exceeding one month,  
2nd Class. or fine not exceeding fifty Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

No sentence of solitary confinement, under Section 73 of the Indian Penal Code, shall be passed by any Court inferior to an Officer exercising the powers of a Magistrate.

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which the offence abetted was wholly or partly committed ; or the abetment may be enquired into or determined in any District or division of a District within which the abettor has done any thing for abetting the commission of such offence.

29. When any offence shall be committed on the boundary or boundaries of two or more Districts, whether subject to the same local Government or not, or of two or more divisions of a District, or shall be begun in one District or division of a District and completed in another, whether such Districts be subject to the same local Government or not, every such offence may be enquired into or determined in any of such Districts or divisions of a District, in the same manner as if it had been actually and wholly committed therein.

30. When any offence shall be committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be enquired into or determined in any District or division of a District, through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if the offence had been actually and wholly committed in such District or division of a District ; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two Districts or divisions of a District, such offence may be enquired into or determined in either of such Districts or divisions of a District, through or adjoining to, or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually and wholly been committed in such District or division of a District.

31. If any person be charged with any offence punishable under Section 411, 412, or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District or division of a District in which such person shall have, or shall have had, such stolen property in

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23. The Local Government may invest any person with the powers of

Local Government may invest any person with powers of Magistrate or Subordinate Magistrate.

such powers under this Act or under any special or local law.

a Magistrate or of a Subordinate Magistrate of the first or second class, as described in the last preceding Section, with a view to the exercise, by such person, of

24. The Criminal Courts shall have jurisdiction over all persons, ex-

Criminal Courts to have jurisdiction over all persons, except persons expressly exempted.

cept such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras, and Bombay, respectively, or by this Act or any other Act of the Governor-General of India in Council, are, or shall be, exempted from their jurisdiction.

cept such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras, and Bombay, respectively, or by this Act or any other Act

25. No person whatever shall, by reason of place of birth, or by reason

No person exempted from Criminal Procedure by reason of place of birth or of descent.

of descent, be exempt from the rules of Criminal Procedure contained in this Act. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

of descent, be exempt from the rules of Criminal Procedure contained in this Act. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

Proviso.

26. Except where otherwise expressly provided by this Act, every

Offence to be ordinarily tried in the jurisdiction where it is committed.

shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

offence shall be enquired into and determined in the District or division of a District in which the offence was committed. Provided that nothing in this Section shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

Proviso.

27. When a person shall be accused of the commission of any offence by

May be tried in the jurisdiction where the act is done, or where the consequence ensues.

reason of any thing which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District or division of a District in which any such thing shall have been done or any such consequence shall have ensued.

reason of any thing which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District or division

28. The abetment of an offence, wherever such abetment shall have taken

Abetment.

place, may be enquired into or determined in any District or division of a District in which the offence abetted may be enquired into or determined by any Court which has jurisdiction to try such offence, as if the abetment had been committed at the same place at which

place, may be enquired into or determined in any District or division of a District in which the offence abetted may be enquired into or determined by any Court which has jurisdiction to try such offence, as if the abetment had been committed at the same place at which

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in his possession, or in any District or division of a District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

32. Whenever any person is charged with being a thug, or with murder as a thug, or with dacoity with or without murder, or with having belonged to a gang of dacoits, or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits, the offence may be enquired into in any District in which the accused person is, by any Magistrate competent to commit to a Court of Session, and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

33. If any person shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, or shall be charged with any offence punishable under Section 227 of the Indian Penal Code or under Section XII of Act XXIV of 1855 (*relating to Penal Servitude*), the offence may be enquired into or determined, either in the District or division of a District in which such person shall be apprehended and retaken, or in the District or division of a District in which he was formerly tried, or in the case of an escape from custody, in the District in which he shall have escaped from custody.

34. Whenever any doubt shall arise as to the District in which any offence should be enquired into or determined, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended, to decide in which District the offence shall be determined.

35. It shall be competent to the Sudder Court to order the transfer of any criminal case or appeal from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction, or to order that any offence shall be enquired into or determined in any District or division of a District, other than that in which the offence shall have been committed, whenever it shall appear to such Sudder Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

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36. It shall be competent to the Magistrate of the District, or to a Magistrate in charge of a division of a District, to withdraw any criminal case from any Court subordinate to such Magistrate within his District or division, and to try the case himself, or to refer it for trial to any other such Court competent to try the same.

Magistrate may withdraw any case from a Subordinate Court, and try it himself, or refer it to any other such Court.

37. It shall be competent to the Magistrate of the District, or to any other Officer exercising the powers of a Magistrate, to hold the preliminary enquiry into any cases triable by a Supreme Court of Judicature, and to commit or hold to bail persons to take their trial before such Court, and to exercise all the powers necessary for such purpose.

Commitment for trial before Supreme Court.

38. The local Government may empower any Subordinate Magistrate of the first or second class not vested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any Supreme Court of Judicature, and may empower such Subordinate Magistrate to commit, or hold to bail, persons to take their trial before such Court of Session or Supreme Court, and to exercise all the powers necessary for such purpose.

Subordinate Magistrate may be empowered to prepare cases for trial before the Court of Session or Supreme Court.

39. No person who is not a Justice of the Peace shall commit, or hold to bail, any European British subject to take his trial before a Supreme Court of Judicature.

Only Justices of the Peace empowered to commit European British subjects for trial.

40. When a European British subject is charged with an offence triable by a Supreme Court of Judicature, any Magistrate may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

Procedure when a European British subject is charged with an offence triable by Supreme Court.

41. When a European British subject has been arrested under a warrant, issued under the last preceding Section by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or if the offence with which such person is charged is bailable, shall, if sufficient bail be tendered, admit him to bail for his appearance before a Justice of the Peace.

Procedure when a European is arrested by an Officer not being a Justice of the Peace.

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When the person accused is brought or appears before a Justice of the Peace, under this Section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the Supreme Court of Judicature.

42. Nothing in this Chapter shall interfere with the jurisdiction given by the Statute 53 George III. c. 155, s. 105, or Act VII of 1853 (*to extend the jurisdiction of Magistrates under the 53 George III c. 155 s. 105 in cases of assault, forcible entries, and other injuries accompanied by force not being felonies*). Provided that the jurisdiction given by the said Statute and the said Act shall be exercised only by a Justices of the Peace.

Saving of jurisdiction given by 53 Geo. III. c. 155. s. 105.

Proviso.

CHAPTER III.

PRELIMINARY RULES.

43. In all Criminal Courts complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Complainants and witnesses to be examined according to law for time being in force.

44. In cases in which by the sentence or order of any Criminal Court a fine is imposed upon a conviction for any offence made punishable by fine, whether the offence be punishable or punished by fine only or otherwise, it shall be lawful for such Court to order that the fine or any part thereof, not exceeding the loss appearing to be caused to the person who has suffered by such offence, and any special damage of a pecuniary nature that may have resulted to such person by such offence, and any expenses incurred by the complainant in the prosecution, as the Court may consider reasonable and proper, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine when levied or paid shall be paid and distributed accordingly. If the fine be awarded by a Court whose decision is subject to revision, the amount awarded to the person injured shall not be paid to such person until a period of two months shall have elapsed from the date of the award.

Court may apply portion of fine in compensation for loss or damage caused, &c.

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45. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine. Provided that in every such case decided by a Magistrate, the period of imprisonment awarded in default of payment of the fine shall, in no case, exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

46. When a person shall be convicted at one time of two or more offences punishable under the same or different Sections of the Indian Penal Code, it shall be lawful for the Court to sentence such person for the offences of which he shall have been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties when consisting of imprisonment to commence the one after the expiration of the other. It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which such Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court. Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years; and provided also, that if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which such Magistrate is by his ordinary jurisdiction competent to inflict.

47. When sentence shall be passed on an escaped convict for such escape or for any other offence, the Court may direct such sentence to take effect immediately, or after such escaped convict shall have suffered imprisonment or transportation, as the case may be, for a further period equal to that which remained unexpired of his former sentence at the time of his escape.

48. When sentence shall be passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct that such imprisonment shall commence at the expiration of the imprisonment, or transportation to which such person shall have been previously sentenced, or if such person shall be undergoing a sentence

of



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of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately or at the expiration of the imprisonment to which such person shall have been previously sentenced. Provided that nothing in this Section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

49. When any person is sentenced to imprisonment, it shall be lawful for the local Government to order the removal of such person during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same local Government.

Local Government may order removal of a prisoner from one jail to another.

50. When any person shall be sentenced to transportation, the Court passing the sentence shall not specify in its sentence the place to which such person shall be sent for the purpose of undergoing the sentence.

Place of transportation not to be specified in sentences.

51. It shall be lawful for the Governor-General of India in Council from time to time to appoint a place or places within British India to which persons sentenced to transportation shall be sent : and the local Government, or some Officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed.

Governor-General in Council to appoint a place or places.

Local Government to direct removal of persons sentenced to such place or places.

52. When sentence of transportation shall be passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the local Government to order the removal of such person from the place in which he is so undergoing transportation.

Execution of sentences of transportation passed on persons already undergoing transportation under a previous sentence.

53. When any person shall be sentenced to death, the sentence shall direct that such person be hanged by the neck till he is dead.

Sentence of death.

54. When any person has been sentenced to punishment for an offence, the Governor-General of India in Council, or the local Government, may, at any time, without conditions, or upon any conditions which such person shall accept, remit

remit

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remit the whole or any part of the punishment to which he shall have been sentenced.

55. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence. Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death shall not have resulted, or shall not have been known by the Court which passed sentence to have resulted.

Party tried upon formal charge not liable to renewed prosecution.

Proviso.

56. If upon the trial of any person charged with the offence of criminal breach of trust under Section 405 of the Indian Penal Code, or of criminal breach of trust as a carrier wharf-inger or warehouse-keeper under Section 407 of the said Code, it shall be proved that such person took the property in question in any such manner as to amount to the offence of theft under Section 378 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 378, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said Section 378.

A person charged with criminal breach of trust may be found guilty of theft.

57. If upon the trial of any person charged with the offence of criminal breach of trust as a clerk or servant under Section 408 of the Indian Penal Code, it shall be proved that such person took the property in question in any such manner as to amount to the offence of theft under Section 378 of the said Code, or the offence of theft as a clerk or servant of property in possession of his master under Section 381 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 378, or Section 381, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

A person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

58. If upon the trial of any person charged with the offence of theft under Section 378 of the Indian Penal Code, or the offence of theft in a building tent or vessel under Section 380 of the said Code, it shall be proved that he took the property in question in any such manner as to amount to the offence of dishonest

A person charged with theft may be found guilty of misappropriation or breach of trust.

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honest misappropriation of property under Section 403 of the said Code, or the offence of criminal breach of trust under Section 405 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 403, or Section 405, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

A person charged with theft as a servant may be found guilty of misappropriation.

59. If upon the trial of any person charged with the offence of theft as a clerk or servant of property in the possession of his master, under Section 381 of the Indian Penal Code, it shall be proved that he took the property in question in any such manner as to amount to the offence of dishonest misappropriation of property under Section 403 of the said Code, or the offence of dishonest misappropriation of property possessed by a deceased person at the time of his death under Section 404 of the said Code, or of such dishonest misappropriation under the said Section 404 the offender being at the time of the person's decease employed by him as a clerk or servant, or the offence of criminal breach of trust under Section 405 of the said Code, or the offence of criminal breach of trust as a clerk or servant under Section 408 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the offence under the said Section 403, Section 404, Section 405, or Section 408, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

60. No person charged and tried for an offence under any Section of the Indian Penal Code in the last four Sections of this Act mentioned, and found guilty of another offence under the provisions of any other of the said Sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the Section under which he was charged, or under the Section under which he was found guilty.

No person charged under the last four Sections, and found guilty, liable to be charged again.

61. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender

Levy of fines.

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der shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender which may be found within the jurisdiction of the Magistrate of the District.

62. It shall be lawful for any Magistrate, by a written order, to direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such Magistrate shall consider that such direction is likely to prevent, or tends to prevent, obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury, to any persons lawfully employed, or is likely to prevent, or tends to prevent, danger to human life, health, or safety, or is likely to prevent, or tends to prevent, a riot or an affray.

Magistrate may issue orders to prevent obstructions &c.

63. Any Magistrate may enjoin any person not to repeat or continue a public nuisance.

Magistrate may prohibit the repetition or continuance of public nuisances.

CHAPTER IV.

OF THE SUMMONS.

64. When an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the person known or suspected to have committed such offence to appear for the purpose of enquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

Complaint.

65. A summons or a warrant of arrest may be obtained on a complaint as hereinafter provided.

66. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District, or a Magistrate who is authorized to receive such complaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant. The examination shall be reduced into writing, and shall be signed by the complainant, and also by the Magistrate.

Examination of complainant.

67. The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or in cases in which a warrant may issue, his warrant for causing the person accused to appear before himself.

Magistrate how to proceed on complaint.

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himself or some other Magistrate having jurisdiction. If in the judgment of such Magistrate there be no sufficient ground for proceeding, he shall dismiss the complaint.

68. Except as is otherwise provided in Chapter XI of this Act, the Magistrate of the District, or a Magistrate in charge of a division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person. The provisions of this Section shall not apply to the offences described in Chapters XIX, XX, and XXI of the Indian Penal Code.

Magistrate may take cognizance of offences without complaint made.

Proviso.

69. Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the form (A) given in the Appendix or to the like effect.

Summons, what it is to contain, and how to be directed.

70. A summons shall ordinarily be issued through a Police Officer; but the Magistrate issuing the summons may, if immediate service be necessary and no Police Officer be immediately available, direct the summons to be served by any other person.

Summons by whom to be served.

71. The summons shall be served on the accused personally, or in case the accused person shall not be found, it may be left for him with some adult male member of his family residing with him.

Summons how to be served.

72. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving Officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

Mode of service if accused cannot be found, &c.

73. A Magistrate may (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Notwithstanding summons, warrant may issue in certain cases.

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74. The Magistrate of the District or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Summons or warrant when grantable for an offence committed beyond local jurisdiction.

Provisions in this Chapter relating to a summons and its issue applicable to all summonses.

75. The provisions relating to a summons and its issue contained in this Chapter, shall be applicable to every summons issued under this Act.

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CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

76. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the form (B) given in the Appendix, or to the like effect.

Form of warrant.

77. A warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing a warrant may, if immediate service be necessary and no Police Officer be immediately available, direct the warrant to any other person.

Warrants to whom to be directed.

78. When a warrant is directed to a person other than a Police Officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

When directed to any person other than a Police Officer.

79. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

To several persons jointly.

80. A warrant directed to a Police Officer may also be executed by any other Police Officer whose name shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

Police Officer may endorse warrant to another Officer.

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81. The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed. The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

Magistrate issuing a warrant may personally superintend its execution.

82. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the prevention of a breach of the peace, or in the suppression of a riot or an affray, or in the taking of any other person whom such Magistrate or Police Officer is authorized to arrest.

All persons bound to assist in certain cases.

83. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Where a warrant of a Magistrate must be executed.

84. When any person against whom a warrant is issued by a Magistrate shall escape, go into, or be, in any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place; and if the person against whom the warrant is issued is arrested in such place, the Police Officer, or other person executing the warrant, shall carry him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made. If the offence with which the person arrested is charged be bailable, and such person shall be willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom such person is brought, shall take bail of such person for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued. If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued. If the arrest be made within the local limits of the jurisdiction of a Supreme Court of Judicature, the person accused, when arrested, shall be taken before the Chief Commissioner of Police, or a Police Magistrate. Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

Warrant executed in another jurisdiction.

If arrest be made within jurisdiction of a Supreme Court.

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If arrest be made within 20 miles, person arrested may be carried before the Magistrate who issued the warrant.

issued the warrant.

85. If the place of arrest, under the last preceding Section, be within twenty miles from the place at which the warrant was issued, the person arrested may be carried, in the first instance, before the Magistrate who

86. It shall be competent to a Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, to direct the warrant to the Magistrate of the District in which such person is, or is supposed to be, and to transmit the same by post. On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had been originally issued by himself. If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed the warrant, and shall be dealt with by such Magistrate as provided in Section 84 of this Act.

Warrants for execution within limits of Supreme Court to be addressed to Chief Commissioner or Magistrate of Police.

87. A warrant issued under the last preceding Section for execution within the local limits of a Supreme Court of Judicature, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in Section 84 of this Act.

88. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of Section 74 of this Act, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable. When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the Sudder Court.

89. If the arrest was made under a warrant issued under Section 74 of this Act by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence



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offence is suspected to have been committed, shall issue his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police Officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued. If the offence of which the person arrested is suspected, shall have been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under Section 74 of this Act, shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

90. A Police Officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Notification of substance of warrant.

91. In making an arrest, the Police Officer or other person executing the warrant, shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Warrant how to be executed.

92. If a person against whom a warrant of arrest is issued, shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer or other person executing the warrant, to use all such means as may be necessary to effect the arrest.

Resisting an endeavour to arrest.

93. If there is reason to believe that any person, against whom a warrant has been issued, has entered into, or is within any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer or other person executing the warrant, to allow such Police Officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Search of house entered into by person against whom warrant has been issued.

94. The Police Officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused, or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

95. If information be received that a person accused of any offence, for which a warrant may issue, is concealed in a zenana or apartment in the actual occupancy of a woman who, according

Breaking open a zenana or female apartment.

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according to the customs of the country, does not appear in public, the Police Officer or other person employed to execute the warrant, shall take such precautions as may be necessary to prevent the escape of the accused person, and if the accused person shall not deliver himself up, the Police Officer or other person authorized to execute the warrant may, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance, break open such zenanah or apartment, and execute the process intrusted to him; first giving notice to any woman as aforesaid in such zenanah or apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and affording her every reasonable facility for withdrawing.

No unnecessary restraint. 96. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

97. The Officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.  
Party arrested to be brought immediately before the Magistrate.

98. No Police Officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.  
No threat, promise, or caution, as to disclosure by party arrested.

99. The provisions relating to a warrant and its issue contained in this Chapter, shall be applicable to every warrant issued under this Act.  
Provisions in this Chapter relating to a warrant and its issue applicable to all warrants.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

100. A Police Officer in the cases hereinafter mentioned may, without orders from a Magistrate and without a warrant, arrest—  
Police Officer may arrest without warrant in certain cases.

*First.*—Any person who in the sight of such Police Officer shall commit an offence specified in Column 3 of the Schedule annexed to this Act, as an offence for which Police Officers may arrest without a warrant.

*Secondly.*

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*Secondly.*—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

*Thirdly.*—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

*Fourthly.*—Any person who is a proclaimed offender.

*Fifthly.*—Any person who is found with stolen property in his possession.

*Sixthly.*—Any person who shall obstruct a Police Officer while in the execution of his duty.

101. An Officer in charge of a Police Station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such Station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, or any person who is a reputed robber, house-breaker, thief, receiver of stolen property knowing it to be stolen, or who is of notoriously bad livelihood.

102. It shall be the duty of every Police Officer to prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in Column 3 of the Schedule annexed to this Act as an offence for which Police Officers may arrest without a warrant.

103. It shall be the duty of a Police Officer who shall receive information of a design to commit any such offence, to communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whom it may concern to prevent or take cognizance of the commission of any such offence.

104. A Police Officer, knowing of a design to commit any such offence as aforesaid, may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

105. A Police Officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank,

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tank, well, or water-channel, or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

106. If there is reason to believe that any person liable to arrest under this Chapter without a warrant, of whom a Police Officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police Officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Person in charge of house entered into by another of whom Police Officer is in search to allow ingress, &c.

107. If ingress to such house or place cannot be obtained under the last preceding Section, the Police Officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to a Magistrate. If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police Officer may make an entry into such house or place and search therein.

Procedure if ingress be not obtained.

108. Any person who is known or suspected to have committed an offence for which a Police Officer is not authorized to arrest without a warrant, and who shall refuse on demand of a Police Officer to give his name and residence, or shall give a name or residence which there is reason to believe to be false, may be detained by such Police Officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Person charged with an offence refusing to give his name and residence.

109. A Police Officer having made an arrest under this Chapter, shall take or send the person arrested without unnecessary delay before the Magistrate who has jurisdiction in the case, or before the Officer in charge of a Police Station.

Party arrested to be taken immediately before the proper authority.

110. When any offence is committed in the presence of a Magistrate, such Magistrate may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

Arrest for an offence committed in the presence of a Magistrate.

111. A Magistrate or Officer in charge of a Police Station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such unlawful assembly to disperse accordingly.

Unlawful assembly to disperse on the order of a Magistrate &c.

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CHAPTER VII.

OF ESCAPE AND RE-TAKING.

112. If a person lawfully arrested under the provisions of this Act shall escape, or be rescued, it shall be lawful for the Police Officer or other person from whose custody the person so arrested shall have escaped, or have been rescued, to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and to deal with such person as such Police Officer or other person might have done on an original taking.

Person arresting may re-take on escape and deal with the party arrested as on original taking.

113. In order to re-take any person, as provided in the last preceding Section, the Police Officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

May adopt the same measures as on original taking.

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CHAPTER VIII.

OF SEARCH WARRANT.

114. When a Magistrate shall consider that the production of any thing is essential to the conduct of an enquiry into an offence known or suspected to have been committed, he may grant his warrant to search for such thing; and it shall be lawful for the Officer charged with the execution of such warrant to search for such thing in any house or place within the jurisdiction of such Magistrate. In such case the Magistrate may specify in his warrant the house or place, or part thereof, to which only the search shall extend.

When grantable by a Magistrate.

115. A search warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing the search warrant may, if immediate search is necessary, and no Police Officer be immediately available, direct the warrant to any other person.

How to be directed.

116. A search warrant directed to an Officer in charge of a Police Station may, if such Officer is not able to proceed in person, be executed by any Officer subordinate to such Officer. In such case the name of such subordinate Officer shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

A warrant to a Police Officer may be executed by another.

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117. When it shall be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the Police Officer charged with the execution of such warrant to execute the same within the said jurisdiction, or the search warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and such Magistrate shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

118. In any case in which there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed, will prevent the discovery of the thing for which search is to be made, the Police Officer charged with the execution of the search warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is situate. If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and who, unless there be good cause to the contrary, shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

119. If the thing searched for be found within the local limits of a Supreme Court of Judicature, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in the last preceding Section.

120. In any case in which it may appear necessary, a Magistrate may, by the warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made. When a Magistrate issues a warrant under this Section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any Supreme Court

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Court of Judicature, he shall inform the Chief Commissioner of Police of the issue of such warrant.

121. It shall be competent to a Magistrate issuing a warrant for the search of any house or place out of the jurisdiction of the Magistrate of the District, to direct the warrant to the Magistrate of the District in which such house or place is situate, and to transmit the same by post. On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name on the warrant and enforce its execution in the same manner as if the warrant had been originally issued by himself. If the warrant is to be executed within the local limits of any Supreme Court of Judicature, it shall be addressed to the Chief Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in Sections 118 and 119 of this Act.

Magistrate may send search warrant by post to the Magistrate of another District.

Procedure to be observed by such Magistrate.

122. If the house or place to be searched is closed, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Officer or other person executing the warrant, to allow such Officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Persons in charge of dwelling house, &c., to allow the search.

123. A Police Officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Place to be searched may be broken open.

124. If the place ordered to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Officer or other person charged with the execution of the warrant shall give notice to such woman in such zenanah or apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw, and, after giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer or other person may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of zenanah or female apartment.

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125. The search of any house or place under this Chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but such persons shall not be required to attend the Court of the Magistrate as witnesses unless specially summoned by such Magistrate. The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Search of house &c. to be made in the presence of witnesses.

Occupant of the place searched may attend.

126. In any case in which it shall be necessary to cause a female to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching females.

127. If the Magistrate of the District or a Magistrate in charge of a division of a District, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government Stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging, or that any forged documents or counterfeit stamps or false seals or any counterfeit coin or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place, he may by his warrant authorize any Police Officer above the rank of a constable, peon, or burkundaz to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as shall be specified in the warrant, and to seize and take possession of any stolen property, documents, stamps, seals, or coins therein found which he may reasonably suspect to be forged, stolen, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Search of house, &c., suspected to contain forged documents, &c.

128. The Magistrate by whom a search warrant is issued, may attend personally for the purpose of seeing that the warrant is duly executed. The Magistrate may also direct a search to be made in his presence of any house or place, for the search of which he is competent to issue a search warrant.

Magistrate may attend personally.

129. An Officer in charge of a Police Station may, without a warrant, enter any shop or premises within the limits of such Station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever

Inspection of weights and measures used in shops.

he



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he shall have reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false. If such Police Officer shall find in such shop or premises any weights, measures, or instruments that are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

130. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

Procedure by Police Officer upon seizure of stolen property found on an offender.

131. When any such property shall be unclaimed, the Magistrate of the District may detain the same and shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim to the property to appear and establish his claim thereto within six months from the date of such proclamation.

Procedure if such property be unclaimed.

132. If no person shall, within the period allowed, claim such property, and if the person in whose possession such property was found shall be unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District.

Procedure if no claimant appear within six months from date of proclamation.

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CHAPTER IX.

PRELIMINARY ENQUIRY BY THE POLICE.

133. No Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in Column 3 of the Schedule annexed to this Act, as offences for which a Police Officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under the Indian Penal Code or under any special or local law.

Police Officers to make enquiry into certain offences only when directed to do so by Magistrate.

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134. Nothing in the last preceding Section shall be held to interfere with the exercise of any powers which are vested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law.

Saving of powers vested in Police Officers by any special or local law.

135. Upon complaint or information being preferred to an Officer in charge of a Police Station of the commission within the limits of such Station of any of the offences specified in Column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without warrant, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person, or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender. Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an Officer exercising any of the powers of a Magistrate, to proceed to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

Upon complaint preferred, Officer in charge of Police Station to proceed in person or depute a subordinate Officer to make enquiry.

136. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

Except in cases not of a serious nature where local enquiry not necessary.

137. If on any complaint or information being preferred to an Officer in charge of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from proceeding in the case and shall report the substance of the complaint or information for the orders of the Magistrate.

If Officer in charge of Police Station see no sufficient ground for an enquiry.

138. It shall be the duty of every person who is aware of the commission of any offence made punishable under Section 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459, or 460, of the Indian Penal Code, to give information of the same to the nearest Police Officer, whenever he shall have reason to believe

All persons to give information of offences.

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lieve that, if such information be withheld, the person who committed the offence may not be brought to justice, or may have his escape facilitated.

139. Every complaint or information preferred to an Officer in charge of a Police Station, shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer, in such form as shall be prescribed by the local Government.

140. When any Officer in charge of a Police Station requires any Officer, subordinate to him, to make without a warrant an arrest which may lawfully be made by such Officer without a warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

141. It shall be lawful for a Police Officer to pursue, with a view to arrest, any person accused of any of the offences specified in Column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without a warrant, into the limits of another Police Officer, whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be under the same local Government or not.

142. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into any offence which he is authorized to investigate, it shall be lawful for him to search or cause a search to be made for the same, in any house or place within the limits of such Station. In such case, the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and it shall thereupon be lawful for such Subordinate Officer to search for such property in such house or place. The provisions of Sections 122, 123, 124, and 125 of this Act relating to search warrants, shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.

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143. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which he might cause such search to be made within the limits of his own Station.

When one Officer of a Police Station may require another to issue a search warrant.

144. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any person being within the limits of his Station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under Section 135 of this Act and such person shall be bound to obey such requisition.

Witnesses to be summoned.

145. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this Section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record or used as evidence.

Oral examination of witnesses by Police.

Proviso.

146. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

No inducement to be offered to accused person to confess.

147. No Police Officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence. Provided that nothing in this Section shall preclude any Police Officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Police Officer not to record confession.

Proviso.

148. No confession or admission of guilt made to a Police Officer, shall be used as evidence against a person accused of any offence.

Confession made to a Police Officer shall not be used as evidence.

149. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.

Confession made while the accused is in custody of the Police shall not be used as evidence.

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150. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact discovered by it, may be received in evidence.

Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.

151. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any Subordinate Police Officer has made any enquiry under this Chapter, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or may do so without such instructions, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.

Enquiry by the Police.

152. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable: such period in no case to exceed twenty-four hours.

Accused not to be detained by the Police beyond 24 hours without special authority.

If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall, nevertheless, forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.

153. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Police how to proceed in cases of deficient evidence.

154. A Police Officer making an enquiry under this Chapter, shall day by day enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent.

Daily record of proceedings.

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Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he shall consider it to be important that such Magistrate shall know. The Magistrate of the District shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police Officer shall forward day by day a copy of the diary to the Magistrate of the District. Such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it.

155. The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, he shall state the fact and the cause of his detention.

156. A person accused of any offence entered as not bailable in Column 5 of the Schedule annexed to this Act, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

157. The bail to be taken under the last preceding Section shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person, before the Magistrate on or before a fixed day, to answer the complaint.

158. Every prosecutor and witness, whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused person is to appear.

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appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed, shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses, unaccompanied by any Police Officer, shall be required to deliver in person such duplicate to the Magistrate.

159. A Police Officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend, or to execute the recognizance directed in the last preceding Section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody, until he shall execute such recognizance, or until the hearing before the Magistrate.

160. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective Stations, whether such persons shall have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of a Magistrate.

161. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to give intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police Officer and other persons or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay,

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bay, it shall be the duty of the Head of the Village in like manner to make the enquiry and report as aforesaid.

162. The powers to be exercised by an Officer in charge of a Police Station under this Chapter, shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of a constable, peon, or burkundaz.

By whom the powers of the Officer in charge of Police Station may be exercised in his absence or illness.

tion under this Chapter, shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

163. When any such offence as is described in Section 175, 178, 179, 180, or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, it shall be competent to such Court to cause the offender, whether he be a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day to take cognizance of the offence; and to adjudge the offender to punishment by fine not exceeding two hundred Rupees, or by imprisonment in the Civil Jail for a period not exceeding one month, unless such fine be sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. If the Court, in any case, shall consider that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred Rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment, as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53



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George III, c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature. In no case tried under this Section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred Rupees for any contempt committed in his own presence against his own Court.

164. When any person has been sentenced to punishment, or forwarded to a Magistrate or Justice of the Peace for trial, under the last preceding Section, for refusing or omitting to do anything which he was lawfully required to do, it shall be competent to the Court to discharge the offender, or to remit the punishment, on the submission of the offender to the order or requisition of such Court.

Discharge of an offender on his submission.

165. When any such offence as is described in Chapter X of the Indian Penal Code, except Sections 175, 178, 179, and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court by a European British subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by the Statute 53 George III. c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender on conviction in the same manner as is provided in that behalf in the said Statute. If such Magistrate shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature.

Procedure in all except certain cases when the offender is a European British subject.

CHAPTER XI.

PROSECUTIONS IN CERTAIN CASES.

166. A charge of an offence punishable under Chapter VI of the Indian Penal Code, except Section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor-General of India in Council, or the local Government, or some Officer empowered by the Governor-General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecutions for certain offences not to be instituted, but under authority of Government or of a duly empowered Officer.

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167. A charge of an offence punishable under the Indian Penal Code, of which any Judge or any public servant not removable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the local Government, or of some Officer empowered by the local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the local Government shall not think fit to limit or reserve.

168. A charge of a contempt of the lawful authority of any Court or public servant, or of any other offence against a public servant as such, described in Chapter X of the Indian Penal Code, not falling within Section 163 of this Act, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the Court or public servant concerned, or, if such servant is an inferior ministerial servant, with the sanction or on the complaint of his official superior. The prohibition contained in this Section shall not apply to the offences described in Sections 189 and 190 of the Indian Penal Code.

169. A charge of an offence against public justice, described in Section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211, or 228, of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Civil or Criminal Court before or against which the offence was committed, or of some other Court to which such Court is subordinate. Such sanction may be given at any time.

170. A charge of an offence relating to documents described in Section 463, 471, 475, or 476, of the Indian Penal Code, when the document shall have been given in evidence in any proceedings in any Court, Civil or Criminal, shall not be entertained in any Criminal Court against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate. Such sanction may be given at any time.

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171. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding Sections, the Court, after making such preliminary enquiry as may be necessary, may send the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law, and the Court shall have power to send the accused person in custody or to take sufficient bail for his appearance before the Magistrate, and may bind over any person to appear and give evidence on investigation.

172. It shall be competent to a Court of Session to charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and to commit or hold to bail and to try such person upon its own charge. In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence which is vested in a Magistrate by this Act. Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

173. In any case triable by the Court of Session exclusively, it shall be lawful for any Court of Civil Judicature before which any such offence was committed, instead of sending the case for investigation to a Magistrate, to complete the investigation itself, and to commit or hold to bail the accused person to take his trial before the Court of Session.

174. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall transmit the same with the order of commitment and the record of the case to the Magistrate of the District or other Officer exercising any of the powers of a Magistrate, and such Magistrate or other Officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

175. Whenever any Court of Session or Civil Court shall commit or hold to bail any person for trial under the last three preceding Sections, such Court may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

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176. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, such Magistrate shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he may think proper.

Magistrates not empowered to commit, to send the case to Magistrate competent to do so.

Prosecution for adultery not to be instituted except by the husband.

177. A charge of an offence under Section 497 of the Indian Penal Code shall not be instituted except by the husband of the woman.

Prosecution for enticing away a married woman not to be instituted except by husband or person in charge of the woman.

178. A charge of an offence under Section 498 of the Indian Penal Code, shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

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CHAPTER XII.

OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

179. When a complaint is made before a Magistrate that any person has committed, or is suspected to have committed, any of the offences specified in Column 7 of the Schedule annexed to this Act as triable exclusively by the Court of Session, or which in the opinion of such Magistrate ought to be tried by the Court of Session, it shall be lawful for such Magistrate to issue his warrant to apprehend such person. Provided that in any such case the Magistrate to whom such complaint is made may, if he shall think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, issue his summons requiring him to appear to answer to such complaint,

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

180. If the Magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any Officer subordinate to such Magistrate, or of a local Police Officer, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complaint. If such enquiry is made by means of some person other than an Officer exercising any of the powers of a Magistrate or a Police Officer, such

Postponement of issue of process.

May dismiss the complaint.

person

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person shall exercise all the powers vested by this Act in an Officer in charge of a Police Station, except that he shall have no power to make an arrest. Nothing contained in this Section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

181. It shall be in the discretion of the Magistrate in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if such person be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the person from custody. In the event of bail being given, the Officer shall forward the bail-bond to the Magistrate.

182. The Magistrate may, if he see sufficient cause, dispense with the personal attendance of the accused person, and permit him to appear by an agent duly authorized to act in his behalf. But it shall be in the discretion of the Magistrate, at any stage of the proceedings, to direct the personal attendance of the accused person.

183. If any person accused of an offence absconds or conceals himself, so that upon a warrant issued against him he cannot be found, the Magistrate shall, if satisfied that such person absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring such person to appear to answer the complaint within a fixed period not less than thirty days. The proclamation shall be publicly read in some conspicuous place of the town or village in which such person usually resides, and shall be affixed on some conspicuous part of the ordinary place of abode of such person, or on some conspicuous place of such town or village. A copy of the proclamation shall also be affixed on some conspicuous part of the Court-house of the Magistrate.

184. The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself. Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property

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perty in the jurisdiction of any Magistrate by whom such order is endorsed. The attachment under this Section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases by seizure under the order of the Magistrate or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate shall deem proper. If the absent person shall not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six calendar months, unless such property is of a perishable nature, or it shall be considered by the Magistrate that the sale would be for the benefit of the owner.

185. When any person whose property shall have been declared to be at the disposal of Government under the last preceding Section shall, within two years after the attachment of the property, surrender himself, and shall upon trial before a competent Court, prove to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same shall have been sold the proceeds thereof, shall be restored to him.

186. The Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and who are likely to give evidence for the prosecution, and shall issue his summons to such persons, requiring them to appear at a time and place mentioned in the summons before such Magistrate to testify what they know concerning the complaint made against the accused person.

187. Every summons issued by a Magistrate under the last preceding Section, shall be served personally on the witness, or if the witness be not found may be left for him with some adult male member of his family residing with him.

188. If the Magistrate shall see reason to believe that such witness will not attend to give evidence without being compelled to do so, it shall be lawful for such Magistrate, instead of issuing a summons, to issue his warrant in the first instance.

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189. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, the Magistrate may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode, and if such witness shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he shall deem reasonable, not being in excess of the amount of costs of attachment and of any fine to which such witness may be liable under the provisions of the following Section. Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

190. If the witness shall appear and satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he shall deem fit. If such witness shall not appear, or appearing, shall fail to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not such notice of the proclamation as aforesaid, it shall be lawful for the Magistrate to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Magistrate may impose upon such witness under the provisions of Section 172 of the Indian Penal Code. If the witness shall pay to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

191. If any person summoned to give evidence, shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, it shall be lawful for the Magistrate, upon proof of the summons having been duly served, to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid.

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192. If any person summoned or brought before a Magistrate, shall refuse to answer such questions as shall be put to him, without offering any just excuse for such refusal, the Magistrate may, by warrant, under his hand and seal, commit the person refusing, to custody for any term not exceeding seven days, unless he shall, in the meantime, consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 163 of this Act.

Refusing to answer, may be committed to custody.

193. The Magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances.

Examination of the complainant and witnesses for the prosecution.

194. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his Agent when his personal attendance is dispensed with and he appears by Agent. The accused or his Agent shall be permitted to cross-examine the complainant and his witnesses.

To be in the presence of the accused who may cross-examine.

195. The evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate. When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the District in which the Court is held, shall form part of the record. In cases in which the evidence is not taken down in writing by the Magistrate, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Mode and language in which the evidence is to be recorded.

196. It shall be competent to the local Government to direct that in any District or part of a District to which this Act shall extend, or shall hereafter be extended under the provisions of Section 445 of this Act, the evidence of witnesses shall be taken down by the Magistrate with his own hand in the vernacular language of the Magistrate, unless the Magistrate be prevented by any sufficient

Local Government may direct the evidence to be recorded in the vernacular language of the Magistrate.



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sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court. The evidence so taken down shall be signed by the Magistrate, and form part of the record.

Proviso. Provided that, if the vernacular language of the Magistrate be not English or the language in ordinary use in the District in which the Court is held, the Magistrate may be directed by the local Government to take down the evidence in the English language or in the language in ordinary use in the District in which the Court is held, instead of his own vernacular.

197. If any question shall arise as to what is the language in ordinary use in any District in which a Court is held, that question shall, for the purposes of this Act, be determined by the local Government.

Local Government to decide what is the language in ordinary use in any District.

198. The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

How the evidence is to be recorded. It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor, or a person accused, or his Counsel or Agent, shall require it. When the evidence is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his Agent when his personal attendance is dispensed with and he appears by Agent, and shall, if necessary, be corrected. If the witness shall deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he may think necessary. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

199. A memorandum to be signed by the Magistrate shall be attached to the evidence of each witness, and shall state that the evidence was read over to the witness in a language which he understood (naming the language), and if the fact is so, that the witness acknowledged such evidence to be correct. When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in the presence and hearing of the Magistrate, and under his personal direction and superintendence.

Memorandum to be attached to the evidence.

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200. If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where the accused is present in person. If the accused person appears by Agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such Agent in that language.

In what cases evidence to be interpreted to the accused or his Agent.

201. It shall be in the discretion of the Magistrate at any stage of the proceedings to summon and examine any person, whose evidence he may consider essential to the enquiry.

Power of Magistrate at any stage to summon and examine any person.

202. It shall be in the discretion of the Magistrate, from time to time, at any stage of the enquiry, to examine the accused person, and to put such questions to him as he may consider necessary. It shall be in the option of the accused person to answer such questions.

Examination of defendant.

203. No influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge; but if the accused person shall, of his own accord, propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon in the same manner as if he were a witness.

No influence to be used to induce disclosures.

Magistrate how to proceed in case of confession.

204. No oath or affirmation shall be administered to the accused person.

Accused person not to be sworn.

205. The examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

Examination of the accused how to be recorded.

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206. Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

Any person attending may be detained for any offence committed by him.

Discretionary with the Magistrate to take evidence for the defence.

against him.

207. It shall be at the discretion of the Magistrate to summon any witness who may be offered in behalf of the accused person to answer or disprove the evidence

Witnesses for the defence.

208. The provisions of Sections 187, 188, 189, 190, 191, and 192 of this Act, shall be applicable to witnesses named in support of the defence.

209. It shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, recording his reason for so doing, to tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in Column 7 of the Schedule annexed to this Act as triable by the Court of Session, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof. If any person shall accept a tender of pardon under this Section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses. Such person, if not on bail, may, if the Magistrate or other Officer as aforesaid shall think proper, be detained in custody pending the termination of the trial.

Magistrate may tender a pardon in certain cases.

210. It shall be competent to a Court of Session at the time of trial, and also to the Sudder Court as a Court of reference, in cases tried with the aid of Assessors, to instruct the Magistrate in like manner to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to any such offence, with the view of obtaining his or their evidence on the trial.

When Sudder Court or Court of Session may direct a tender of pardon.

211. If it shall appear to a Court of Session at the time of trial, or to the Sudder Court as a Court of reference, that any person who shall have accepted an offer of pardon, has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing any thing essential,

When Sudder Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

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essential, or by giving false evidence or information, it shall be competent to such Court to direct the commitment of such person for trial for the offence in respect of which the pardon was tendered.

212. When any person shall appear or be brought before a Magistrate accused of any offence entered as not bailable in Column 5 of the Schedule annexed to this Act, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the accused person and to require his committal, or such evidence shall be adduced on behalf of the accused person as shall, in the opinion of the Magistrate, weaken the presumption of his guilt, but there shall appear to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt, the accused person shall be admitted to bail pending such enquiry.

Bail not to be taken for certain offences.

When may be taken.

213. When any person shall appear or be brought before a Magistrate accused of any of the offences specified in Column 5 of the Schedule annexed to this Act, as bailable, he shall be admitted to bail.

When bail shall be taken.

214. When a Magistrate shall admit to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate may think sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and if required, shall appear when called upon at the Court of Session to answer the charge.

Recognizance of accused and sureties.

215. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and in default, may be committed to prison.

Insufficient bail.

216. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Bail may be taken at any time before conviction.

217. After the recognizances shall have been duly entered into, the Magistrate, in case the accused person shall have appeared voluntarily, or shall be in the custody of some Officer,

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Officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

218. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements. On such an application being made, the Magistrate shall issue his warrant, directing that such person be brought before him. On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and in default, may order him to be committed to prison.

219. Whenever by reason of default of appearance of the person executing the personal recognizance, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

220. Whenever by reason of default of appearance by the person bailed, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to such surety or sureties which may be found within the jurisdiction of the Magistrate of the District, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

221. The powers given by the last two preceding Sections may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail.

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222. Every warrant for the commitment of a person to custody shall be directed to some jailor, or other Officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the Appendix, or to the like effect.

Warrant of commitment how to be directed, &c.

223. The warrant of commitment shall be lodged with the jailor, if he be in the jail ; and if he be not in the jail, with his deputy. If the jailor has no deputy, the warrant may be lodged with any Officer of the jail then being in the jail.

With whom to be lodged.

224. If from the absence of a witness or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of witnesses, it shall be lawful for the Magistrate by a written order, from time to time, to adjourn the enquiry, and to remand the accused person for such time as shall be deemed reasonable, not exceeding fifteen days ; provided that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

When Magistrate may adjourn the enquiry.

225. When a Magistrate finds that there are not sufficient grounds for committing the accused person to take his trial before the Court of Session or for remanding him, he shall discharge him, unless it shall appear to the Magistrate that such person should be put on his trial before himself, in which case he shall proceed under Chapter XIV of this Act.

When accused person to be discharged.

226. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session. If the Magistrate is a Justice of the Peace and the accused person is a European British subject, he shall be sent for trial before the Supreme Court of Judicature.

When defendant to be committed for trial.

227. As soon as the charge on which the accused person is to be tried, has been prepared as hereinafter directed, it shall be read to him, and a copy or translation of it shall be furnished to him, if he require it. The accused person shall be required at once

Copy of charge to be furnished to accused person.

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Witnesses for the defence on the trial. to give in orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or Supreme Court. It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time. The Magistrate shall receive the list, and summon the witnesses to appear before the Court before which the accused person is to be tried. The provisions of Sections 187, 188, 189, 190, 191, and 192, so far as they relate to the attendance of witnesses, shall be applicable to witnesses named by the accused person in the list above mentioned.

228. If the Magistrate shall be of opinion that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material, and if the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum shall be deposited with the Magistrate as he shall consider necessary to defray the expense of obtaining the attendance of the witness.

Magistrate may refuse to summon unnecessary witness, unless a deposit be made to defray the expenses of such witness.

229. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case. When a commitment is made to the Supreme Court of Judicature, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record shall not be in the English language, a translation thereof in the English language shall be forwarded therewith.

Record to be forwarded to the Superior Court.

230. When the preliminary enquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions, which shall be made at his expense.

Copies of depositions to be furnished to accused.

231. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other Officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge. Nothing in this Section shall preclude the Magistrate, if he shall think fit, from appointing a person other than such Government Pleader or Officer to conduct the prosecution.

When commitment is made, Magistrate to give notice to Government Pleader, &c.

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232. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute Recognizances of prosecutors and witnesses. before the Magistrate recognizances in the Form (E) given in the appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be. If any prosecutor or witness shall refuse to attend before the Court of Session or to execute the recognizance above directed, it shall be competent to the Magistrate to detain such prosecutor or witness in custody, until he shall execute such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall forward such prosecutor or witness under custody to the Court of Session.

CHAPTER XIII.

OF THE CHARGE.

233. When the Magistrate has determined to send the accused person before the Court of Session for trial, he shall make a What the charge is to contain. written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct the accused person to be tried by such Court on such charge. A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the Public Prosecutor or to the Officer appointed to conduct the prosecution.

234. The charge shall describe the imputed offence as nearly as possible How the offence is to be described. in the language of the Indian Penal Code, and shall refer to the Section under which such offence is punishable.

235. It shall not be necessary to allege in the charge any circumstances Absence of General Exceptions under the Penal Code to be assumed. for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in Chapter IV of the Indian Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

236. It shall not be necessary at the trial, on the part of the prosecutor, to Evidence as to General Exception. prove the absence of such circumstances in the first instance; but the accused person shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may then be given on the part of the prosecutor.



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237. When the Section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Section, without a distinct denial of the existence of such circumstances.

Special ground of exception from absence of circumstances not to be assumed.

238. The charge may contain one or more heads.

Charge may contain one or more heads.

239. When a charge contains one head only, the form shall be as follows, or to the same effect:

Heads of charge.

(a.) I, A [*name and Office of Magistrate, &c.*] declare that there is hereby made against Z the charge—

(b.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, waged war against the Queen, and that he has thereby committed an offence punishable under Section 121 of the Indian Penal Code, (c) and within the cognizance of the Court of Session.

On Section 121.

(d.) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

To be substituted for (b),

(2.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 124.

(3.) That he, being a public servant in the \_\_\_\_\_ Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for his, the said Z's, forbearing to do an official act, and that he has thereby committed an offence punishable under Section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 161.

(4.)

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(4.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, committed culpable homicide not amounting to murder, causing the death of \_\_\_\_\_, and that he has thereby committed an offence punishable under Section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

(5.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, abetted the commission of suicide by A. B., a person in a state of intoxication, and that he has thereby committed an offence punishable under Section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

(6.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, voluntarily caused grievous hurt to \_\_\_\_\_ and that he has thereby committed an offence punishable under Section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

(7.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, committed robbery, and that he has thereby committed an offence punishable under Section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

(8.) That he, on or about the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, committed dacoity, and that he has thereby committed an offence punishable under Section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other Sections of the Indian Penal Code.

240. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more Sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Sections.

241. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same Section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

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242. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more Sections of the Indian Penal Code, but it is doubtful which of such Sections will be applicable, or show the commission of one of two or more offences falling within the same Section of the said Code, but it is doubtful which of such offences will be proved, the charge shall contain two or more heads, framed respectively under each of such Sections, or charging respectively each of such offences accordingly.

Cases of doubt as to the Section which is applicable, or the offence which may be proved.

Forms of charge of more than one head. 243. When a charge contains more heads than one, the form shall be as follows, or to the same effect:—

I, A [*name and office of Magistrate or other Officer as aforesaid, &c.*] declare that there is hereby made against Z the charge:

*First*:—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and that he has thereby committed an offence punishable under Section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Sections 241 and 242.

*Secondly*:—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person by name A. B. to receive it as genuine, and that he has thereby committed an offence punishable under Section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

*First*:—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Sections 302 and 304.

*Secondly*:—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under Section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

*First*

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*First*.—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly* :—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Thirdly* :—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Fourthly* :—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other Sections of the Indian Penal Code.

244. It shall be competent to any Court before which a trial is held, at any stage of the trial, to amend or alter the charge.

245. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

246. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial

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trial for such period as may be necessary to enable the accused person to make his defence to the amended or altered charge ; and after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

247. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

Defendant may recall and examine witnesses already examined

CHAPTER XIV.

OF CASES TRIABLE BY THE MAGISTRATE IN WHICH A WARRANT ON COMPLAINT MAY ISSUE.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate, and punishable under the Indian Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such Magistrate to issue his warrant to apprehend such person. Provided that in any such case the Magistrate, to whom such complaint shall be made, may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

Cases in which Magistrate may issue a warrant.

Summons instead of warrant.

249. The provisions of Chapter XII relating to the issuing of process for causing the attendance of the accused person, the taking of bail, the summoning and enforcing the attendance of witnesses, the examination of parties and witnesses, the mode of recording evidence, correction, attestation, and interpretation thereof, and the adjournment of a case, shall be applicable to cases tried under this Chapter. On completing the examination of a witness under this Section, the Magistrate, in addition to the memorandum required by Chapter XII, shall record such remarks as he may think material respecting the demeanor of any witness while under examination.

Issue of process, &c.

250. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate shall consider necessary, have

Charge.

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have been taken, the Magistrate, if he find that no offence has been proved against the accused person, shall discharge him. If the Magistrate find that an offence is apparently proved against the accused person which falls within the definition in a certain Section of the Indian Penal Code, or within one or other of the definitions in several Sections of the said Code, he shall prepare in writing a charge against the accused person in the manner prescribed in Chapter XIII of this Act, all the provisions of which shall be applicable to charges prepared under this Section. In charges prepared under this Section the words "within my cognizance" shall be substituted for the words "within the cognizance of the Court of Session" at the end of the charge, and the words "by the said Court" omitted in the order.

Plea. 251. The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Plea of claim to be tried. 252. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Evidence for the defence. 253. The Magistrate shall summon any witness and examine any evidence that may be offered in behalf of the accused person, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial from time to time, as may be necessary.

Witnesses for the defence. 254. The provisions of Sections 187; 188, 189, 190, 191, and 192 of this Act shall be applicable to witnesses named in support of the defence.

Acquittal or conviction. 255. If the Magistrate shall find the accused person not guilty, he shall record judgment of acquittal. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

How the Magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction. 256. In any trial before a Magistrate, in which it may appear at any stage of the proceedings that from any cause the case is one which the Magistrate is not competent to try, or which, in the opinion of such Magistrate, ought to be tried by the Court of Session, the Magistrate shall stop further proceedings

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proceedings under this Chapter, and shall proceed in accordance with Chapter XII of this Act for conducting the preliminary enquiry in cases triable by the Court of Session,

CHAPTER XV.

OF CASES TRIABLE BY THE MAGISTRATE IN WHICH A SUMMONS ON COMPLAINT SHALL ORDINARILY ISSUE.

257. Whenever a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable under the Indian Penal Code with imprisonment for a period not exceeding six months, it shall be lawful for such Magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such Magistrate to answer to the complaint. Provided that, if the Magistrate shall be satisfied or have reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such accused person.

Summons shall issue.

When warrant may issue.

258. If upon the day appointed, the accused person shall appear voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit the accused person to bail, or allow him to be at large upon his personal recognizance, as the Magistrate may direct. If the accused person cannot give bail when required to do so, he shall be committed to custody.

Defendant may be admitted to bail or to be at large upon personal recognizance.

259. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same to some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

260. If the person served with a summons shall not appear before the Magistrate at the time mentioned in such summons, and the Magistrate shall be satisfied that such summons was

If summons be not obeyed, warrant.

was

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was duly served in what shall be deemed by the Magistrate to be a reasonable time before the time therein appointed for appearing to the same, or if it shall appear to the Magistrate that after due diligence the summons could not be served according to the provisions of this Act, the Magistrate may issue his warrant to apprehend the accused person.

261. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the person complained against, and permit him to appear by an Agent duly authorized to act in his behalf. Provided that it shall be at the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of such person. When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the Agent if the accused person has been permitted to appear by Agent, or the accused person may be required to attend to hear such sentence.

262. If it appear to the Magistrate that any person is likely to give material evidence on behalf of the complainant or the accused person, and that such person will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, the Magistrate shall issue his summons to such person under his signature and seal, requiring him to appear at a time and place mentioned in the summons, to testify what he knows concerning the matter of the complaint.

263. It shall be at the discretion of the Magistrate, at any stage of the trial, to summon and examine any witness whose evidence he may consider essential to the just decision of the case. The Magistrate may also examine as a witness any person in attendance, although not summoned as a witness.

264. The provisions of Sections 187, 188, 189, 190, 191, and 192 shall be applicable to witnesses summoned according to the provisions of Sections 262 and 263 of this Act.

265. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted. If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.



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266. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he may produce in support of his complaint, and also to hear the accused person and such witnesses as he shall produce in his defence.

Proceeding when no such admission is made.

267. The Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds. The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record. The Magistrate shall record such remarks as he shall think material respecting the demeanor of any witness whilst under examination.

How the evidence is to be recorded.

268. In any case in which the Magistrate shall consider it necessary, it shall be competent to him, instead of taking down merely the substance of the evidence of any witness, to take down the evidence of the witness in the manner provided in Section 195 or in the manner provided by Section 196 of this Act if within the jurisdiction of such Magistrate the local Government shall have made an order as provided in that Section. In any such case the provisions of Sections 199 and 200 shall be applicable to the evidence so taken.

Manner of recording evidence in certain cases.

269. Before or during the hearing of any complaint, it shall be lawful for the Magistrate to adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties; and if on the day to which such hearing or such further hearing shall have been so adjourned, the accused person shall not appear, the Magistrate may issue his warrant for the arrest of such person, and if the complainant shall not appear, the Magistrate may dismiss the complaint.

Adjournment.

270. In any case where the Magistrate shall dismiss the complaint as frivolous and vexatious, it shall be lawful for him, in his discretion, by his order of dismissal, to award that the complainant shall pay to the accused person such anends, not exceeding fifty Rupees, as to such Magistrate shall seem just and reasonable.

Magistrate may award anends in cases of frivolous and vexatious complaints.

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reasonable. The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment in the Civil jail, for any time not exceeding thirty days, unless such amends shall be sooner paid.

271. If a complainant at any time before a final order is passed in any case under this Chapter, shall satisfy the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit such complainant to withdraw such complaint. A complaint withdrawn under this Section shall not again be entertained.

272. If the Magistrate, in any case tried under this Chapter, shall find the accused person not guilty, he shall record a judgment of acquittal. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

CHAPTER XVI.

OF ENQUIRIES AND TRIALS BEFORE THE SUBORDINATE MAGISTRATES.

273. Criminal cases brought before the Magistrate of the District or a Magistrate in charge of a division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police Officer, may be referred by such Magistrate to any Magistrate subordinate to him. The reference shall be for enquiry or for trial if the offence be triable by such Subordinate Magistrate, or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session, or with a view to commitment to the Supreme Court of Judicature if such Subordinate Magistrate is competent to commit to such Supreme Court. Provided that nothing in this Section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police Officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

274. When a criminal case is referred under this Chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the report of a Police Officer, shall

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shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

275. In the enquiry into or trial of cases under this Chapter, the Subordinate Magistrates shall be guided by the rules prescribed for the guidance of the Magistrate of the District in similar cases; and Police Officers and others shall be bound to obey all orders and processes issued in such cases in like manner as if such orders or processes had been issued by the Magistrate of the District.

Subordinate Magistrates to follow the same rules of procedure as the Magistrate.

276. If, in the course of a trial before a Subordinate Magistrate, the evidence shall appear to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial before the Court of Session, he shall stay proceedings and shall submit the case to the Magistrate to whom he is subordinate. The Magistrate to whom the case is submitted shall either try the case himself or refer it to any Officer subordinate to him having jurisdiction, or he may commit the accused person for trial before the Court of Session. In any such case, such Magistrate or other Officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

How the Subordinate Magistrate is to proceed in cases beyond his jurisdiction.

277. If in any case tried by a Subordinate Magistrate having jurisdiction, in which the accused person is found guilty, such Magistrate shall consider the offence established against the accused person to call for a more severe punishment than he is competent to adjudge, he shall record the finding and submit his proceedings to the Magistrate to whom he is subordinate, and such Magistrate shall pass such sentence or order in the case as he may deem proper and as shall be according to law. In any such case, the Magistrate to whom the proceedings are submitted, may examine the parties, and recall and examine any witness who shall already have given evidence in the case, and he may call for or take any further evidence.

In what cases Subordinate Magistrate shall not pass sentence, but may refer case to the Magistrate.

How the Magistrate is to proceed in such cases.

278. Nothing in the last preceding Section shall be held to prevent the Subordinate Magistrate in any such case as is therein described, if such Magistrate is empowered to hold the preliminary enquiry into cases triable by the Court of Session and to commit persons to take their trial before such

Subordinate Magistrate, if empowered to do so, may, instead of convicting the accused, commit him for trial before the Court of Session.

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such Court, from committing the accused person for trial before the Court of Session instead of finding him guilty. If the Sub-ordinate Magistrate shall be of opinion that the accused person should be committed for trial before the Court of Session, he shall proceed in accordance with Chapter XII of this Act, for conducting the preliminary enquiry in cases triable by the Court of Session.

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CHAPTER XVII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

279. The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or Supreme Court of Judicature, or any Superior Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for any such Court, if it shall think fit, to order that during the investigation into any particular case triable by a Court of Session or by a Supreme Court of Judicature, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

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CHAPTER XVIII.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Court of Session or the Magistrate of the District or other Officer exercising the powers of a Magistrate, and the Court or Magistrate or other Officer as aforesaid by which the accused person is convicted, or the Court or Magistrate or other Officer as aforesaid by which the final sentence or order in the case shall be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted, it shall be lawful to such Court or Magistrate or other Officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, in addition, to direct that the person so convicted be required to execute

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a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or three years if the sentence or final order be passed by a Court of Session. When any accused person shall be convicted of any offence specified in this Section by an Officer not exercising the powers of a Magistrate, such Officer, if he consider it just and necessary to require a penal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other Officer exercising the powers of a Magistrate to whom such Officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

281. In cases in which it may appear necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, it shall also be lawful to the Court or Magistrate or other Officer as aforesaid, empowered to require a penal recognizance under the last preceding Section, to require security in addition thereto and to fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or three years if the order be passed by the Sudder Court or by a Court of Session.

282. It shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, whenever he shall receive credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, to summon such person to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate shall think fit.

283. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and if security is called for, the number of sureties required, and the amount in which they are to be bound respectively. Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

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284. The penalty of such bond, which shall be in the form (D) given in the Appendix or to the like effect, shall be fixed with a due regard to the circumstances of the case and the means of the party, and the amount in which the sureties shall be bound shall not exceed the said penalty.

285. If the person summoned shall not attend on the day appointed, the Magistrate or other Officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest. Provided that, whenever it shall appear to the Magistrate or other Officer as aforesaid, upon the report of a Police Officer or upon other credible information, the substance of which report or information shall be recorded, that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, it shall be lawful for the Magistrate at any time to issue a warrant for the arrest of such person.

286. The Magistrate or other Officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an Agent duly authorized to act in his behalf.

287. If on the appearance of the person, or of his Agent if he is permitted to appear by Agent, the Magistrate or other Officer as aforesaid shall not be satisfied that there is occasion to bind such person to keep the peace, he shall direct his discharge.

288. If the Magistrate or other Officer as aforesaid shall be satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person shall fail to comply with the order, it shall be lawful for the Magistrate or other Officer as aforesaid to commit him to jail.

289. The period for which the Magistrate or other Officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year. When a person shall be committed to jail under the last preceding Section, he shall not be detained by authority of the Magistrate or other Officer as aforesaid beyond the term of one year, and shall be released whenever he shall comply with the order within that term.

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290. Whenever it shall appear to the Magistrate or other Officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session, and such Court, after examining the proceedings of the Magistrate or other Officer as aforesaid and making such further enquiry as such Court may think necessary, may, if it shall see cause, authorize the Magistrate or other Officer as aforesaid to extend the term for a further period not exceeding one year, and if the party shall fail to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other Officer as aforesaid shall direct under the orders of the Court of Session, he may be kept in confinement for such further period or until he shall give such bond within that period.

291. The Magistrate or other Officer as aforesaid may, if he shall see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding Sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

292. A surety for the personal appearance of another person may at any time apply to the Magistrate or other Officer as aforesaid, to be relieved from his engagement as surety. On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound, may appear or be brought before him. On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other Officer as aforesaid, shall direct the engagement of the surety to be cancelled and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

293. Whenever it may be proved before the Magistrate or other Officer as aforesaid that any recognizance or other bond taken under this Chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof or to show cause why it should not be paid; and if sufficient cause be not shown and the penalty be not paid, the Magistrate or other Officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which shall be found within the jurisdiction of the Magistrate of the District, and

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and if the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be able to imprisonment by order of the Magistrate or other Officer as aforesaid in the Civil Jail for a period not exceeding six months.

294. Whenever it may be proved before the Magistrate or other Officer as aforesaid that any bond with a surety has been forfeited, Recovery of penalty from surety. the Magistrate or other Officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid; and if no sufficient cause be shown, and the penalty be not paid, the Magistrate or other Officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER XIX.

SECURITY FOR GOOD BEHAVIOUR.

295. Whenever it shall appear to the Magistrate of the District or to an Officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any When Magistrate may require security for good behaviour for six months. ostensible means of subsistence, or who cannot give a satisfactory account of himself, it shall be competent to such Magistrate or other Officer as aforesaid to require security for the good behaviour of such person for a period not exceeding six months.

296. Whenever it shall appear to such Magistrate or other Officer as aforesaid from the evidence as to general character When Magistrate may require security for good behaviour for one year. adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of notoriously bad livelihood, it shall be competent to such Magistrate or other Officer as aforesaid to require security for the good behaviour of such person for a period not exceeding one year.

297. Whenever it shall appear to such Magistrate or other Officer as aforesaid from the evidence as to general character How to proceed in cases beyond one year. adduced before him; that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the Magistrate or other Officer as aforesaid shall record his opinion to that effect; with an order specifying the amount of security



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urity which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

298. If the person required to furnish security, as provided in the last preceding Section, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the Magistrate or other Officer as aforesaid as it may judge proper.

Case to be laid before the Court of Session.

299. If the Court of Session shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Court of Session may require security not exceeding three years.

300. In every instance in which security for good behaviour shall be required by the Court of Session or the Magistrate or other Officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order. The security-bond shall be in the form (F) given in the Appendix, or to the like effect.

What the order for security is to contain.

301. In the event of any person required to give security under the provisions of the foregoing Sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same. Provided that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

Proviso.

302. The Magistrate of the District or other Officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any Officer subordinate to him, provided he shall be of opinion that such person can be released without hazard to the community.

When Magistrate may release persons under requisition of security.

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303. In any case in which a Magistrate or other Officer as aforesaid shall be of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, the Magistrate or other Officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

When he must report.

304. A surety for the good behaviour of a person may at any time apply to the Magistrate or other Officer as aforesaid to be relieved from his engagement as surety. On such application being made, the Magistrate or other Officer as aforesaid shall issue his summons or warrant in order that the person may appear or be brought before him. On the appearance of the party pursuant to the warrant or on his voluntary surrender, the Magistrate or other Officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person to give fresh security, and in default thereof shall commit him to custody.

Discharge of surety.

305. Whenever the Magistrate or other Officer as aforesaid shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate or other Officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to such surety which may be found within the jurisdiction of the Magistrate of the District; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety shall be liable to imprisonment by order of the Magistrate or other Officer as aforesaid in the Civil jail, for a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

306. The several provisions of the last preceding Chapter relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this Chapter against persons required to give security for their good behaviour.

Issue of summons and warrant of arrest.

307. Any evidence taken under Chapter XVIII or this Chapter, shall be taken in the manner prescribed by Section 267, subject to the provision contained in Section 268 of this Act.

Manner of taking evidence under Chapter XVIII of this Chapter.

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CHAPTER XX.

OF LOCAL NUISANCES.

308. Whenever the Magistrate of a District or of a division of a District may consider that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place, or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place, or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented, or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary, or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public, he may issue an order to the person causing such obstruction or nuisance or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on such person, within a time to be fixed in the order, to remove such obstruction or nuisance, or to suppress or remove such trade or occupation, or to stop the construction of, or to remove such building, or to alter the disposal of such substance, or to fence such tank or well, (as the case may be,) or to appear before such Magistrate within the time mentioned in the order, and show cause why such order should not be enforced.

309. Such order shall, if practicable, be served personally on the person to whom it is issued; but if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate to show cause as aforesaid, or he may apply to the Magistrate by petition for an order for a Jury to be appointed to try whether the order is reasonable and proper. On receiving such petition, the Magistrate shall forthwith appoint a Jury which shall consist of not less than five persons, whereof the President and one-half of the Members shall be nominated by such Magistrate, and the remaining Members by the party petitioning. The Magistrate shall suspend the execution of the order pending

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ing such enquiry, and be guided by the decision of the Jury, which shall be according to the opinion of the majority. If the petitioner shall, by neglect or

Proceeding in case of neglect by Jury.

in any other way, prevent the appointment of a Jury, or if from any cause the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if from any of the above causes no decision be made by the Jury, the order of the Magistrate shall be carried into effect as hereinafter provided.

311. If the person to whom the order mentioned in Section 308 is issued

Procedure in case of disobedience or neglect by party ordered.

shall not obey such order, or show cause against the same as hereinafter provided, or petition for a Jury within the time specified in such order, he shall be liable to the penalty prescribed in that behalf in Section 188 of the Indian Penal Code, and the Magistrate who issued such order may proceed to carry such order into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the personal property of the person aforesaid, and no suit or action shall be entertained in any Court in respect of any thing necessarily or reasonably done to give effect to such order.

312. If in a case referred to a Jury, the Jury shall find that the order of

If Jury find order of Magistrate to be reasonable and proper.

the Magistrate is reasonable and proper, the Magistrate shall give notice thereof to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed therein under the penalty provided by the Indian Penal Code as aforesaid. If such latter order shall not be obeyed, the Magistrate may proceed as in the last preceding Section.

313. If the person to whom the order of the Magistrate is issued, shall

If party ordered satisfy the Magistrate that the order is not reasonable and proper.

appear and show cause against the same, and shall satisfy the Magistrate that the order is not reasonable and proper, no further proceedings shall be taken in the case.

314. If, pending the enquiry by a Jury, the Magistrate shall consider that

Issue and enforcement of injunction.

immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, it shall be lawful for such Magistrate to issue such an injunction and order to the person mentioned in that behalf in Section 308, as shall be required to obviate or prevent such danger or injury, and in default of such person forthwith taking

all

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all necessary measures ordered to be taken by such injunction or order, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury, and no suit or action shall be entertained in respect of any thing necessarily or reasonably done for that purpose.

315. Nothing in this Chapter shall interfere with the provisions of Section XLVIII of Act XXIV of 1859 (*for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*) or of Section XXXIV of Act V of 1861 (*for the regulation of Police.*)

Saving of certain provisions.

CHAPTER XXI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

316. If any person having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty Rupees in the whole, as to the Magistrate or other Officer as aforesaid shall seem reasonable; and if such person shall wilfully neglect to comply with the order, the Magistrate or other Officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order such person to be imprisoned with or without hard labor for any term not exceeding one month. Provided that if such person offer to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate or other Officer as aforesaid to consider any grounds of refusal stated by such wife; and he may make the order allowed by this Section notwithstanding such offer, if he shall be satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty. No wife shall be entitled to receive an allowance from her husband under this Section, if she is living in adultery, or if without any sufficient reason she refuses to live with her husband.

Magistrate may make order for maintenance of wives and children.

Enforcement of order.

Proviso.

317. Any person ordered to pay a monthly allowance for the maintenance of his wife, or child, or both, under the provisions of the last preceding Section, may apply to the Magistrate from

Application for reduction of allowance.

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from time to time for the reduction of such allowance, and on proof of an alteration in the circumstances of such person, his wife, or child, justifying such reduction, such Magistrate may make such reduction in the allowance ordered as he may deem fit.

CHAPTER XXII.

OF DISPUTES RELATING TO THE POSSESSION OF LAND OR THE RIGHT OF  
USE OF ANY LAND OR WATER.

318. Whenever the Magistrate of the District or other Officer exercising the powers of a Magistrate shall be satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, premises, water, fisheries, crops, or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other Officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute. The Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire which party is in possession of the subject of dispute, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to be in such possession, to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

Party in possession to be continued until ousted by due course of law.

319. If the Magistrate or other Officer as aforesaid shall decide that neither of the parties is in possession, or shall be unable to satisfy himself as to which person is in possession of the subject of dispute, he may attach the subject of dispute until a competent Civil Court shall have determined the rights of the parties or who ought to be in possession.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

320. If a dispute arise concerning the right of use of any land or water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter, and if it shall appear to him that the subject of dispute is open to the use of the public, or of any person, or of any class of persons, the Magistrate or other Officer may order that possession thereof shall not be taken

Disputes concerning right of use of land or water.

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or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate or other Officer as aforesaid shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the enquiry, or in cases where the right of use exists at particular seasons unless such right has been exercised during the last of such seasons before the complaint.

321. Nothing in this Chapter shall affect the powers of a Collector or a person exercising the powers of a Collector, or of a Revenue Court.

Saving of powers of Collectors and Revenue Courts.

CHAPTER XXIII.

OF JURIES AND ASSESSORS.

322. The local Government may order that the trial of all offences or of any particular class of offences by any Court of Session shall be by Jury in any District, and such local Government may from time to time revoke or alter such order. Orders passed under this Section shall be published in the Government Gazette, and in such other manner as the local Government shall direct.

Local Government by order to specify in what places trials to be by Jury.

323. Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person or one of the accused persons, shall be by Jury; and in such case the Jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subject or not) or Americans, if such a Jury can be procured. Provided that in any District in which the local Government shall not have ordered that all trials or trials for all offences of the class within which the trial about to take place falls, shall be by Jury, such European or American may elect to be tried without Jury.

How the Jury is to be constituted for the trial of persons belonging to certain specified races.

Proviso.

324. In a trial before the Court of Session not by Jury, the trial shall be conducted with the aid of two or more Assessors as Members of the Court. The opinion of each Assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

Trials before the Session Court with Assessors.

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325. In a trial by Jury before the Court of Session in which a person not belonging to the races specified in Section 323 shall be tried, at least one-half of the Jury, if the accused person desire it, shall consist of persons not belonging to either of such races.

How the Jury is to be constituted for the trial of other persons.

326. In any case before the Court of Session in which a person not belonging to the races mentioned in Section 323 is charged jointly with a person belonging to one of those races, and such last mentioned person claims to be tried by a Jury consisting of at least one-half of Europeans or Americans, the person not belonging to either of such races shall, if he desire it, be tried separately.

How the Jury is to be constituted when persons of both descriptions are jointly charged.

327. In trials by Jury before the Court of Session the Jury shall consist of five persons, or of such number, being an uneven number, and not being less than five or more than nine, as the local Government by any general order applicable to any particular District or to any particular classes of offences in that District shall direct.

Number of which the Jury is to consist.

328. If the Jury are unanimous in a verdict of guilty, the accused person shall be convicted. If the Jury shall consist of five persons and a majority of four find the accused person guilty, or if the Jury shall consist of seven persons and a majority of five find the accused person guilty, or if the Jury shall consist of nine persons and a majority of six find the accused person guilty, the accused person shall be convicted. If the Jury are unanimous in a verdict of not guilty, the accused shall be acquitted. If the Jury shall consist of five persons and a majority of four find the accused person not guilty, or if the Jury shall consist of seven persons and a majority of five find the accused person not guilty, or if the Jury shall consist of nine persons and a majority of six find the accused person not guilty, the accused person shall be acquitted, and the Judge shall not receive a verdict of acquittal unless it be unanimous or found by such majority as last aforesaid.

Number of voices necessary to a verdict.

329. The Collector of the District or other Officer exercising the powers of a Collector of a District shall, from time to time, prepare and make out in alphabetical order, a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the local Government may think fit to direct, who are in the judgment of the Collector or other Officer as aforesaid qualified from their education and character to serve as Jurors or as

List of Jurors and Assessors.



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as Assessors respectively. The list shall contain the name, place of abode, and quality or business of every such person; and if the person belongs to either of the races specified in Section 323, the list shall mention the race to which he belongs.

330. Copies of such list shall be stuck up in the Office of the Collector or other Officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside, and every such copy shall have subjoined to it a notice, stating that objections to the list will be heard and determined by the Collector or other Officer as aforesaid at a time and place to be mentioned in the notice.

331. The Collector or other Officer as aforesaid shall at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a Juror or as an Assessor, and insert the name of any person omitted therefrom, whom he deems qualified for such service. A copy of the revised list shall be signed by the Collector or other Officer as aforesaid and transmitted to the Court of Session. Any order of the Collector or other Officer as aforesaid in preparing and revising the list shall be final.

332. The list so prepared and revised shall be again revised at least once in every year, and the list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

333. Except as hereinafter provided, all male persons between the ages of twenty-one and sixty, resident within the limits of the jurisdiction of the Court of Session, shall be deemed capable of serving as Jurors and Assessors, and shall be liable to be summoned accordingly.

334. The following persons are incapable of serving as Jurors or as Assessors in trials before the Court of Session, namely :—

Persons who hold any Office in or under the said Court.  
Persons executing any duties of Police or entrusted with any Police functions.

Persons

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Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the Jury.

Persons who are afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

335. The following persons are exempt from the liability to serve as Exemptions. Jurors or as Assessors, namely :—

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the Revenue whom the Collector may think fit to exempt on the ground of official duty.

Chaplains and others employed in Religious Offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of Section 22 of Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.*)

The exemption from service given by this Section is a right of which each person exempted may avail himself or not. Nothing herein contained shall be construed to disqualify any such person if he shall be willing to serve as a Juror or as an Assessor.

Person exempted is not bound to avail himself of his right of exemption.

336. The Court of Session shall ordinarily three days at the least before the time fixed for the holding of Sessions, cause the Court to summon Jurors. Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by Jury and trials with the aid of Assessors at the said Sessions, the number to be summoned not being less than double the number required for any case about to be tried at such Sessions. The names of the persons to be summoned shall be drawn by lot

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lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

337. Every summons to a Juror or Assessor shall be in writing, and shall require his attendance as a Juror or Assessor at a time and place to be therein specified. The summons or a copy thereof shall be served on every Juror or Assessor personally. If the Juror or Assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

338. The Court of Session may direct Jurors or Assessors to be summoned at other periods than the period specified in Section 336 when the number of trials before the Court renders the attendance of one set of Jurors or Assessors for a whole Session oppressive, or whenever it may be found to be necessary.

339. If any person summoned to serve as a Juror or Assessor, be an Officer of Government, the summons shall be transmitted to such person through the Head Officer of the Office in which he is employed, and the Court may excuse the attendance of such person if it shall appear on the representation of such Head Officer that such person cannot serve as a Juror or Assessor without inconvenience to the public service.

340. The Court of Session may excuse any Juror or Assessor from attendance for reasonable cause.

341. At each Session the Court shall cause to be made a list of the names of those who serve as Jurors or Assessors at such Session. The list shall be kept with the revised list of the Jurors and Assessors prepared under Section 331. A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this Section.

342. Whenever a trial by Jury is to be held, the persons who are to constitute the Jury shall be chosen by lot immediately before the commencement of the trial from the Jurors who attend in obedience to the summons. If the trial is to be held with the aid of Assessors, the Judge shall select from the persons summoned to act as Assessors, two or more persons to assist him in such trial.

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343. Before the commencement of a trial by Jury the names of the Jurors shall be called aloud, and upon the appearance of each Juror, the accused person shall be asked if he objects to be tried by such Juror. Any objection may then be made to such Juror by the accused person or by the Government Fleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated. Any objection made to a Juror shall be decided by the Court, and the decision of the Court shall be final. If an objection be allowed, the place of such Juror shall be supplied by any other Juror in attendance in obedience to a summons, or if there be no such Juror present, then by any other person present in the Court whose name is on the list of Jurors, or whom the Court shall consider a proper person to serve on the Jury, provided no objection to such Juror or other person be made and allowed.

344. Any objection taken to a Juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

- (1.) Any ground of disqualification within Section 334.
- (2.) Standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused; being in the employment on wages of either of such persons; being plaintiff or defendant against either of such persons in any Civil suit, or having complained against or having been accused by either of such persons in any Criminal prosecution.
- (3.) Any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favor to, either of such persons.

345. The Judge shall not allow any person to serve on the Jury, unless such person understands the language in which the evidence is given or interpreted.

346. The Jury shall appoint one of their number to be Foreman. It shall be the duty of such Foreman to preside in the debates of the Jury, to deliver the verdict of the Jury, or ask any information from the Court that may be required by the Jury. If a majority do not agree in the appointment of a Foreman, he shall be named by the Court.

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The same Jury or Assessors may try in succession several offenders.

expedient.

347. The same Jury, if not objected to, may try, or the same Assessors may aid in the trial of, as many accused persons successively as to the Court shall seem

348. Whenever in the opinion of the Court it may be proper and convenient that the Jury or Assessors should have a view of the place in which the offence charged is said to have been committed, or of any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the Jury or Assessors shall be conducted in a body under the care of an Officer of the Court to the place which shall be shown to them by a person appointed by the Court, and it shall be the duty of the Officer not to suffer any other person to speak to or hold any communication with any of the Jury or Assessors, and they shall, when the view is finished, be immediately conducted back into Court.

349. When a trial is held in which the accused person or one of the accused persons is entitled to be tried by a Jury constituted under the provisions of Section 323 of this Act, the Court of Session shall, three days at the least before the day fixed for holding such trial, cause to be summoned in the manner prescribed in Section 336 such a number of Jurors of the races mentioned in Section 323 as is equal to the total number of Jurymen required for the trial, if so many of such races be on the Jury List of the District. The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for Jury trials at that Session. The names of the persons to be summoned shall be drawn by lot, excluding those who have served within six months, unless the number cannot be made up without them. From the whole number of persons returned, the Jurors who are to constitute the Jury shall be taken by lot in the manner prescribed in Section 342, until a Jury, containing the proper number of the races mentioned in Section 323, or a number approaching as nearly thereto as possible, has been obtained. The Jurors shall be liable to the same objections as any other Jurors. If a Jury containing the requisite number of the races mentioned in Section 323 be not obtained, the accused person may elect to be tried by the Judge with the aid of Assessors; otherwise he shall be tried by the Jury obtained by the means aforesaid.

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350. If, in the course of a trial by Jury at any time prior to the finding, any Juror shall, from any sufficient cause, be prevented from attending through the trial, or if any Juror shall absent himself, and it shall not be possible to enforce his attendance, a new Juror shall be added, or the Jury shall be discharged, and a new Jury empanelled, and in either case the trial shall commence anew.

If, prior to finding, any of the Jury be unable to proceed with the trial.

351. In any trial by Jury if the accused person is found guilty by a majority consisting of a less number of the Jury than is specified in that behalf in Section 328 of this Act, or if the accused person be found not guilty by a majority consisting of a less number of the Jury than is therein in that behalf specified, the Jury shall be discharged, and in any such case as aforesaid there shall be a new trial before a Jury consisting entirely of other Jurors, and the accused person may be remanded or held to bail for such new trial. If, on any new trial by Jury, the accused person shall not be found guilty by a majority consisting of such a number as aforesaid, he shall be acquitted.

Verdict of guilty by less than the specified majority of Jury.

352. At the close of the trial, and after the Judge has summed up the evidence as hereinafter provided by Section 379 of this Act, the Jury may retire to consider their finding, and it shall be the duty of an Officer of the Court not to suffer any person to speak to or hold any communication with any member of such Jury. In any case in which a Jury shall be prepared to deliver their finding, the Judge shall ask the Jury whether they are unanimous, and if the Foreman or one of the Jury shall declare that they are not unanimous, the Judge may require such Jury to retire for further consideration. If, after such a period as the Judge shall consider reasonable, the Foreman or any one of the Jury shall declare that they are not unanimous, the Jury may deliver their verdict.

When and how long Jury may retire for finding.

353. If, in the course of a trial with the aid of Assessors, at any time prior to the finding, any Assessor shall, from any sufficient cause, be prevented from attending through the trial, the trial shall proceed with the aid of the other Assessor or Assessors. If all the Assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh Assessors.

If either of the Assessors be unable to proceed with trial.

354. Any person summoned to attend as a Juror or as an Assessor, who shall without lawful excuse fail to attend as required by the summons, or having attended shall depart with-

Penalty for non-attendance of Juror or Assessor.

out

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out having obtained the permission of the Court, shall be liable by order of the Court of Session to a fine not exceeding one hundred Rupees, to be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such Juror or Assessor within the jurisdiction of the Court making the order, or in default of recovery of the fine by such attachment and sale, such Juror or Assessor may be imprisoned in the Civil Jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER XXIV.

OF SUBORDINATE JUDGES AND PRINCIPAL SUDDER AMEENS IN THE PRESIDENCY OF FORT SAINT GEORGE.

355. The Subordinate Judges and Principal Sudder Ameens in the Presidency of Fort Saint George shall continue to exercise under this Act, subject to the provisions of the Indian Penal Code, the Criminal jurisdiction which they are competent to exercise under any law for the time being in force, and shall have the same powers of punishment as are given by this Act to an Officer exercising the powers of a Magistrate.

Criminal Jurisdiction and powers of punishment of Subordinate Judges and Principal Sudder Ameens.

356. Subordinate Magistrates of the first and second class in the Presidency of Fort Saint George shall commit to the Court of Session any persons charged with offences triable exclusively by that Court, or shall, under such orders as the Sudder Court shall from time to time issue, either commit to the Subordinate Judges or Principal Sudder Ameens the cases of persons accused of offences triable by such Subordinate Judges or Principal Sudder Ameens, or refer such cases for the orders of the Magistrate of the District or other Officer exercising the powers of a Magistrate. If the case be referred to the Magistrate of the District or other Officer as aforesaid, such Magistrate or other Officer shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

What cases Subordinate Magistrates may commit and what cases they may refer to Magistrate.

357. If in any case tried by a Subordinate Magistrate of the first or second class in the Presidency of Fort Saint George in which the accused person is found guilty, such Magistrate shall consider the offence established against the accused person to call for a more severe punishment than such Magistrate is competent to adjudge, he shall record the finding and submit his proceedings to the Magistrate of the District or other Officer exercising the powers of

Subordinate Magistrate after trial may refer to Magistrate of the District.

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a Magistrate, and the Magistrate of the District or other Officer as aforesaid shall pass such sentence or order in the case as he may deem proper and as shall be according to law. In any such case, the Magistrate or other Officer to whom the proceedings are submitted may examine the parties, and recall and examine any witness who shall already have given evidence in the case, and he may call for or take any further evidence.

358. In cases committed for trial before the Subordinate Judges or Principal Sudder Ameens in the Presidency of Fort Saint George, they shall be guided by the rules contained in this Act for the trial of cases before the Magistrate, which are hereby made applicable to such cases. The Subordinate Judges and Principal Sudder Ameens may commit any case to the Court of Session in which the evidence is such as to warrant a presumption that the accused person has been guilty of an offence calling for a more severe punishment than such Subordinate Judges or Principal Sudder Ameens are authorized to adjudge.

Cases committed for trial before Subordinate Judges and Principal Sudder Ameens.

CHAPTER XXV.

TRIALS BEFORE THE COURT OF SESSION.

359. Except in the cases referred to in Section 172 of this Act, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence but upon a charge preferred by a Magistrate or other Officer specially empowered under this Act or under any other law to make commitments to such Court.

Cognizance of offences by the Court of Session in original jurisdiction.

360. In every trial before a Court of Session the prosecution shall be conducted by the Government Pleader or by some other Officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

Every trial before Court of Session to be conducted by Government Pleader, &c.

361. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

Postponement of trial.

362. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he

Commencement of trial.



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is guilty of the offence charged, or claims to be tried. If the accused person plead guilty, the plea shall be recorded, and the accused may be convicted thereon.

363. If the accused person shall refuse to plead, or shall claim to be tried, the Court shall proceed to try the case, taking all the evidence that is forthcoming.

Refusal to plead, or plea of claim.

364. The provisions of Sections 195, 196, 197, 198, 199, and 200, of this Act, relating to the examination of parties and witnesses, the mode of recording evidence, and the correction, attestation, and interpretation thereof in trials before the Magistrate, shall be applicable to trials before the Court of Session under this Chapter.

Provisions relating to examination of parties, &c., in trials before Magistrate to be applicable to trials before Court of Session.

365. If any witness shall refuse to answer any question which shall be put to him, and shall not offer any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer. In the event of such witness persisting in his refusal, he may be dealt with according to the provisions of Section 163 of this Act.

Witness refusing to answer may be committed to custody.

366. The examination of the accused person before the Magistrate shall be given in evidence at the trial. The attestation of the Magistrate shall be sufficient *prima facie* proof of such examination, and such attestation shall be admitted without proof of the signature to it, unless the Court shall see reason to doubt its genuineness.

Examination of accused before the Magistrate to be evidence at the trial.

Proof of such examination.

367. It shall be in the discretion of the Court, at any stage of a trial, to summon and examine any witness whose evidence it shall consider essential to the just decision of the case. The Court may also examine as a witness any person in attendance although not summoned as a witness.

Court may summon necessary evidence.

368. The Court shall receive as *prima facie* evidence the examination of a Civil Surgeon or other medical witness taken and duly attested by the Magistrate. Provided that it shall be competent to the Court to summon such Civil Surgeon or other Medical witness, if it shall see sufficient cause for doing so.

Evidence of medical witness.

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369. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence if the witness be dead or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Examination of witness taken and attested by Magistrate when admissible.

370. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary enquiry relating thereto, shall be received in evidence at a trial by the Court of Session, if it bear the signature of such Examiner, and no proof of such signature or that the person signing holds such office, shall be requisite unless the Court shall see reason to doubt the genuineness of the document.

Report of Chemical Examiner admissible in evidence.

371. The declaration of a deceased person, whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Dying declaration.

372. When the case for the prosecution has been brought to a close, the accused person shall be called upon to enter upon his defence, and to produce his evidence.

Defence.

373. The Court, at the close of the evidence on behalf of the accused person if any evidence is adduced on his behalf, or otherwise at the close of the case for the prosecution, may put any question to the accused person which it may think proper. It shall be in the option of the accused person to answer such question.

When accused person may be examined.

374. The accused person or his Counsel or Agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf, or if any question shall be put to the accused person by the Court, after such question shall have been so put.

When accused may address the Court.

375. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any other witness summoned than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in Section 246 of this Act.

Witness for the defence.

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376. If any evidence is adduced on behalf of the accused person, or if the answers any question put to him by the Court, the prosecutor, or the Counsel or Agent for the prosecution, shall be entitled to a reply.

Prosecutor's right of reply.

377. The Court may in its discretion, from time to time, adjourn the trial as may be necessary.

Adjournment.

378. In the event of the adjournment of a trial by Jury or with the aid of Assessors, the Jury or Assessors shall be required to attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial; and any Juror or Assessor who shall without lawful excuse fail so to attend, shall be liable to the penalty prescribed in Section 354 of this Act, and such penalty shall be enforced in the manner therein prescribed.

Jury or Assessors to attend at adjourned sitting.

379. In a trial by Jury, the Judge shall sum up the evidence on both sides, and the Jury shall then deliver their finding upon the charge. A statement of the Judge's direction to the Jury shall form part of the record. In trials not by Jury, the ground of the Judge's decision shall be recorded.

Of verdict of Jury.

380. If the accused person is acquitted, the Court shall record a judgment of acquittal. If the accused person is convicted, the Court shall proceed to pass sentence upon him according to law. Provided that if the Court pass sentence of death, the sentence shall not be executed without the confirmation of the Sudder Court. If the accused person shall be convicted of an offence which by the Indian Penal Code is punishable with death, and the Court shall sentence such person to any punishment other than death, the Court shall state the grounds upon which it remitted the punishment of death in the statement of trials to be periodically submitted to the Sudder Court, as hereinafter required, under the head of "Sentences passed upon the accused persons."

Acquittal or conviction.

CHAPTER XXVI.

FINDING, JUDGMENT, AND SENTENCE.

381. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the Section of the Indian Penal Code under which he is convicted, or if it be doubtful

What the judgment is to specify.

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doubtful under which of two Sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to Section 72 of the said Code.

Form of finding and sentence.

382. The finding and sentence shall be recorded in one of the following forms, or to the same effect:—

In trials by Jury:—

When the Jury are unanimous :

The Jury are unanimous in finding that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Queen, and has thereby committed an offence punishable under Section 121 of the Indian Penal Code; and the Court directs that the said Z be [*sentence.*]

2nd. The Jury are unanimous in finding that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Queen, and has thereby committed an offence punishable under Section 121 of the Indian Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but such a majority as is required by Section 328 of this Act concur in finding the accused guilty :

3rd. A majority (stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be) find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code. The Court directs that the said Z be [*sentence.*]

When the Jury are not unanimous, but such a majority as is required by Section 328 of this Act concur in finding the accused not guilty :

4th. A majority of the Jury (stating the number, as above,) find that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power, as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code. The Court directs that the said Z be discharged.

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10th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting and has thereby committed an offence punishable under Section 147 of the Indian Penal Code; and the Court directs that the said Z be discharged.

11th. The Court, concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that Z has either committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code, or that he has committed criminal breach of trust and has thereby committed an offence punishable under Section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned Sections and the provisions of Section 72 of the Indian Penal Code, the said Z be [*sentence.*]

In trials upon a formal charge, without Jury or the aid of Assessors :

12th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code; and the Court directs that the said Z be [*sentence.*]

13th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

14th. The Court finds that Z has used criminal force and has thereby committed an offence punishable under Section 353 of the Indian Penal Code, and directs that the said Z be [*sentence.*]

15th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

383. In cases referred by the Court of Session for the confirmation of a sentence by the Sudder Court, the proper Officer of the Court in cases referred to the Sudder Court for confirmation of sentence. sentence by the Sudder Court shall, without delay, after the order of confirmation or other order has been made by the Sudder Court, transmit a copy of the order under the seal of the Sudder Court, and

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When the Jury, or such a majority as is required by Section 328 of this Act, concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:

5th. The Jury, or a majority of the Jury (stating the number, as above,) find that Z is guilty either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that Z has either committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code, or that he has committed criminal breach of trust and has thereby committed an offence punishable under Section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned Sections and the provisions of Section 72 of the Indian Penal Code, the said Z be [sentence.]

When a majority less than the number required by Section 328 of this Act find the accused guilty:

6th. A majority of the Jury (stating the number, as above,) find that Z is guilty of the offence specified in the charge, namely, that he has committed &c., &c., the Court directs that the Jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by Section 328 of this Act.

If the finding be on a second trial, and a majority less than is required by Section 328 of this Act, find the accused guilty:

7th. A majority of the Jury (stating the number, as above,) find that Z is guilty of the offence specified in the charge, namely, that he has committed &c., &c. This being a second trial under Section 351 of the Code of Criminal Procedure, the Court directs that the said Z be discharged.

In trials with Assessors:

9th. The Court, concurring with the Assessors (or one or more of the Assessors), finds that Z is guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting and has thereby committed an offence punishable under Section 147 of the Indian Penal Code; and the Court directs that the said Z be [sentence.]

10th.

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and attested with his official signature, to the Court of Session, which, if the sentence be confirmed, shall immediately issue a warrant to the Magistrate or other Officer in charge of the jail in which the prisoner is confined to cause the sentence or order to be carried into execution ; or in the case of any other order, shall cause such order to be carried into effect.

384. In cases tried by the Court of Session, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the Magistrate of the District in which the trial was held or to such other Officer as aforesaid.

Court of Session to direct warrant to District Magistrate.

385. Upon the receipt of a warrant under either of the last two preceding Sections, the Magistrate or other Officer as aforesaid shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Execution of sentence under the two last foregoing Sections.

386. In every case of imprisonment under the sentence of the Sudder Court or of a Court of Session, the Magistrate or other Officer as aforesaid shall issue his warrant to the jailor, stating the offence of which the accused person has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In every case of imprisonment under the sentence of any other Court, the Court passing the sentence shall issue its warrant to the jailor, and the warrant shall contain the same particulars and be to the same effect.

Warrant of commitment in cases of imprisonment.

387. The Court of Session shall transmit to the Sudder Court such periodical statements or calendars of trials held by such Court as the Sudder Court shall prescribe, exhibiting the offences charged, the offences of which the accused persons are convicted, and the sentences or orders passed upon them.

Transmission of periodical calendars of trials by Court of Session.

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CHAPTER XXVII.

OF LUNATICS.

388. When any person who is charged with an offence shall appear to the Magistrate having jurisdiction to be of unsound mind and incapable, in consequence, of making a defence, the Magistrate

Procedure in case of accused person being lunatic.

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Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District or some other Medical Officer, and thereupon shall examine such Civil Surgeon or other Medical Officer, and shall reduce the examination into writing ; and if the Magistrate shall be of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

389. If any person who shall be committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Procedure in case of person committed before a Court of Session being lunatic.

390. In any case in which an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required. If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the local Government to which the case shall be reported shall direct.

Release of lunatic pending investigation or trial.

391. Whenever any investigation or trial of a case shall be postponed under Section 388 or Section 389 of this Act, the Magistrate or Court of Session, as the case may be, may at any time resume the investigation or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance. Until such investigation or trial is completed, the case shall be considered as pending before the Magistrate or Court of Session, and shall be included in any register of pending cases kept by such Magistrate or Court. The surety of such person shall be bound at any time to produce him to any Officer whom the Magistrate or Court of Session may appoint to inspect him, and the certificate of such Officer shall have the same effect as the certificate of an Inspector of Jails or the Visitors of Lunatic Asylums granted under Section 395 of this Act.

Resumption of investigation of case.



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392. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it shall appear to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the investigation shall proceed, or the accused person shall be put on his trial as the case may require. If it shall appear that the accused person is still of unsound mind and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of Section 388 or Section 389 of this Act.

Procedure on accused appearing or being brought before Magistrate or Court of Session.

393. Whenever any person is acquitted, upon the ground that at the time at which he is charged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Procedure in case of acquittal of accused person on the ground of being lunatic.

394. Whenever such finding shall state that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held, shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session shall seem fit, and shall report the case for the order of the local Government. The local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

Person so acquitted to be disposed of by Magistrate or Court of Session for safe custody, &c.

395. *Clause 1.* When any person is confined under the provisions of Section 390 or Section 394 of this Act, it shall be lawful for the Inspector of Jails if such person is confined in a Jail, or for the Visitors of Lunatic Asylums or any two of them if such person is confined in a Lunatic Asylum, to visit such person in order to ascertain his state of mind; and such person shall be visited once at least in every twelve months by such Inspector of Jails or by two of such Visitors as aforesaid, who shall make a special report as to the state of mind of such person.

Lunatics to be visited and reported on by Inspector of Jails, &c.

*Clause 2.* If such person is confined under Section 390 of this Act, and such Inspector of Jails or such Visitors of Lunatic Asylums as aforesaid shall report that in his or their opinion such person is capable of making his defence, such person shall be taken before the Magistrate or Court of Session, as the case may

If lunatic confined under Section 390 is reported capable of making his defence.

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may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of Section 392, and may receive as evidence the certificate of such Inspector of Jails or such Visitors of Lunatic Asylums as aforesaid.

*Clause 3.* If such person shall be confined under the provisions of Section 394 of this Act, and such Inspector of Jails or such Visitors of Lunatic Asylums as aforesaid shall certify that in his or their judgment such person may be discharged without danger of his doing injury to himself or to any other person, the local Government shall thereupon either order his discharge or order such person to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall within six months appoint a commission consisting of a Judicial Officer not below the grade of a Sessions Judge, and two Medical Officers whereof the Chief Medical Officer attached to the Lunatic Asylum shall be one. The said Commission shall make formal enquiry into the state of mind of such person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

396. Whenever it shall appear to the local Government that any person, imprisoned by the sentence of any Court or Magistrate, is of unsound mind, the local Government, by an order which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, there to be kept and treated as the local Government shall direct during the remainder of the term of imprisonment ordered by the sentence, or if it shall be certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law; and when it shall appear to the local Government that such person has become of sound mind, the local Government, by an order directed to the person having charge of him, shall remand such person to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody. The provisions of Section IX of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to persons confined in a Lunatic Asylum under this Section after the expiration of the imprisonment ordered by the sentence. The period during which a person shall be confined in a Lunatic Asylum shall be reckoned as part of the period of imprisonment ordered by the sentence.

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397. Whenever any relative or friend of any person detained under the provisions of Section 394 of this Act is desirous that such person shall be delivered over to his care and custody, the local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend. Whenever such person shall be so delivered over, it shall be upon condition that he shall be subject to the inspection of such Officer as the local Government shall think necessary to appoint, and at such times as such Government shall direct. The provisions of Section 395 shall apply to persons detained under the provisions of this Section, and the certificate of the Inspecting Officer appointed under this Section shall have the same effect as a certificate of an Inspector of Jails or the Visitors of Lunatic Asylums under the said Section.

When lunatic may be delivered over to the care and custody of a relative or friend.

CHAPTER XXVIII.

SUDDER COURT AS A COURT OF REFERENCE.

Constitution of Court for hearing case referred for confirmation of sentence.

398. A case referred to a Sudder Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such Sudder Court.

399. In any case so referred, the Sudder Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge. If the case shall have been tried by the Court of Session with the aid of Assessors, it shall further be competent to the Sudder Court to acquit the accused person and order his discharge.

Power of Sudder Court to confirm, reverse, &c., sentence.

400. If the case so referred shall have been tried by the Court of Session with the aid of Assessors, it shall be competent to the Sudder Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, to direct such enquiry to be made, or such additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Sudder Court, and the Sudder Court shall thereupon proceed to pass judgment of acquittal or such sentence as to the Court shall seem right.

Competence of Sudder Court to direct further enquiry, &c.

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Confirmation or new sentence must be signed by two Judges.

401. In every case so referred to the Sudder Court, the confirmation of the sentence or any new sentence or order passed by the Sudder Court shall be signed by at least two Judges of the Court.

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CHAPTER XXIX.

SUDDER COURT AS A COURT OF REVISION.

402. The Sudder Court, in any case tried by the Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it shall appear that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence; and thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

Revision in cases of illegal sentence.

403. The Sudder Court, in any case tried before a Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it shall appear that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the Sudder Court, may call for the record, or such portion thereof as it may deem necessary, together with a report of the Judge's direction to the Jury, if the case have been tried by a Jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such order as to the Sudder Court shall seem right.

Revision of trials.

404. The Sudder Court may, on the report of a Court of Session or of a Magistrate, or whenever it thinks fit, call for the record of any criminal trial or the record of any judicial proceeding of a Criminal Court, other than a criminal trial, in any Court within its jurisdiction, in which it shall appear to it that there has been error in the decision on a point of law, or that a point of law should be considered by the Sudder Court, and may determine any point of law arising out of the case, and thereupon pass such order as to the Sudder Court shall seem right.

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405. It shall be lawful for the Sudder Court to call for and examine the record of any case tried by any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court. If it appear to the Sudder Court that the sentence passed is too severe, the Sudder Court may pass any mitigated sentence warranted by law. If the Sudder Court shall be of opinion that the sentence or order is contrary to law, the Sudder Court shall reverse the sentence or order and pass such judgment, sentence, or order as to the Court shall seem right, or, if it deem necessary, may order a new trial.

Sudder Court empowered to call for and examine records of Court of Session.

406. Whenever a case shall be revised by the Sudder Court under this Chapter, the Sudder Court shall certify its decision or order to the Court in which the conviction was had or by which the order was passed, and such Court shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary amend the record in accordance therewith. Provided that, in any case which shall be revised by the Sudder Court under this Chapter, it shall not be competent to the Sudder Court to reverse the verdict of the Jury, or, except as provided in this Chapter, to alter or reverse the sentence or order of the Court below.

Proceedings of a case revised by Sudder Court to be certified to Court in which conviction was had.

Proviso.

CHAPTER XXX.

APPEALS.

407. There shall be no appeal from a judgment of acquittal passed in any Criminal Court.

No appeal in cases of acquittal.

408. Any person convicted on a trial held by a Court of Session may appeal to the Sudder Court. If the conviction was in a trial held with the aid of Assessors, the appeal may be on a matter of fact as well as on a matter of law. If the conviction was on a trial by Jury, the appeal shall be admissible on a matter of law only.

Appeals in what cases in trials by Jury or with Assessors.

409. Any person convicted on a trial held by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or required by such Magistrate or other Officer under Section 295 or Section 296 of this Act to give security for good behaviour, may appeal to the Court of Session to which such Magistrate or other Officer is subordinate.

Appeals from Magistrates.

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410. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under the Statute 53 George III, c. 155, s. 105, or under Act VII of 1853 (*to extend the jurisdiction of Magistrates under the 53 George III, c. 155, s. 105 in cases of assault, forcible entries, and other injuries accompanied with force, not being felonies*), or under Section 163 or 165 of this Act, may appeal to the Court of Session having jurisdiction at the place at which the appeal would have been heard had the sentence been passed by a Magistrate subordinate to such Court. Cases appealed under this Section shall not be afterwards liable to revision by means of a writ of *certiorari*. Provided that nothing in this Section shall be held to take away the power of quashing any conviction by means of a writ of *certiorari* in any other case than when there has been such an appeal as aforesaid.

411. In all cases in which a Court of Session or the Magistrate of a District or other Officer exercising the powers of a Magistrate shall pass a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty Rupees, no appeal shall be allowed.

412. Any person convicted on a trial held by an Officer exercising powers less than those of a Magistrate, may appeal to the Magistrate of the District or other Officer exercising the powers of a Magistrate who shall have been empowered by the Government to hear such appeals.

413. Any person convicted by any Civil Court under Chapter X of this Act, may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in Sections 416, 417, 418, 419, and 421 of this Act. Petitions of appeal under this Section, if presented to any District Court, must be presented within thirty days immediately following and exclusive of the day on which the sentence or order appealed against is passed. Petitions of appeal to the Sudder Court must be presented within sixty days calculated as above. The Sudder and District Courts may admit an appeal after the time herein provided on sufficient cause shown.

Unless otherwise provided, no appeal to lie from any order or sentence of a Criminal Court.

Court.

414. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal

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415. Petitions of appeal to the Court of Session or to any Court subordinate to the Court of Session must be presented within thirty days immediately following and exclusive of the day on which the sentence or order appealed against is passed. Petitions of appeal to the Sudder Court must be presented within sixty days calculated as above. The Sudder Court and the Court of Session may admit an appeal after the time herein provided on sufficient cause shown.

416. Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Copy of judgment to accompany petition.

417. It shall be competent to the Appellate Court to reject the appeal if, on a perusal of the petition of appeal and the copy of the sentence or order appealed against, and after hearing the appellant or his counsel or agent if they appear, the Court shall consider that there is no sufficient ground for questioning the correctness of the decision or for interfering with the sentence or order appealed against. Before rejecting the appeal, the Court may call for and peruse any part of the proceedings of the lower Court, but shall not be bound so to do.

Appellate Court may reject petition of appeal.

418. If the party appealing be in Jail in pursuance of the sentence or order appealed against, he shall be at liberty to present his petition of appeal and the copy of the sentence or order appealed against, to the Magistrate or other Officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

Appeal by party in Jail.

419. The Appellate Court, after perusing the proceedings of the lower Court, and after hearing the plaintiff or his counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that shall have been awarded.

Appellate Court may call for the proceedings of lower Court.

420. The sentence or order of the Sudder Court, modifying, amending, or reversing the sentence or order of a lower Court on appeal or revision, shall be signed by at least two Judges of such Sudder Court.

The signature of two Judges necessary.

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail.

Appellate Court may suspend sentence pending appeal, and release defendant on bail.

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422. In any case in which an appeal has been allowed, it shall be competent to the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such enquiry to be made and additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to pass such judgment, sentence, or order as to such Court shall seem right.

Appellate Court may direct further enquiry, &c.

423. No finding by a Court of the offence of dishonest misappropriation of property under Section 403 of the Indian Penal Code, or of dishonest misappropriation of property possessed by a deceased person at the time of his death under Section 404 of the said Code, or of criminal breach of trust under Section 405 of the said Code, or of criminal breach of trust by a carrier wharfinger or warehouse-keeper under Section 407 of the said Code, or of criminal breach of trust as a clerk or servant under Section 408 of the said Code, shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was the offence of theft under Section 378 of the said Code, or the offence of theft in a building tent or vessel under Section 380 of the said Code, or the offence of theft as a clerk or servant of property in the possession of his master under Section 381 of the said Code.

Finding of dishonest misappropriation not reversible on the ground of the offence proved being theft.

424. No finding by a Court of the offence of theft under the said Section 378 of the Indian Penal Code, or of theft in a building tent or vessel under the said Section 380, or of theft as a clerk or servant of property in the possession of his master under the said Section 381, shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was the offence of dishonest misappropriation of property under the said Section 403, or the offence of dishonest misappropriation of property possessed by a deceased person at the time of his death under the said Section 404, or the offence of such dishonest misappropriation under the said Section, the offender being at the time of the person's decease employed by him as a clerk or servant, or the offence of criminal breach of trust under the said Section 405, or the offence of criminal breach of trust as a carrier wharfinger or warehouse-keeper under the said Section 407, or the offence of criminal breach of trust as a clerk or servant under the said Section 408.

Finding of theft not reversible on the ground of the offence proved being dishonest misappropriation.



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425. Provided that nothing in the last two Sections shall preclude the Appellate Court in any case mentioned therein from reducing the punishment awarded by a lower Court in such case, within the limits prescribed for the offence which such Appellate Court shall consider to have been proved by the evidence against the accused person.

Saving of power of Appellate Court to reduce punishment awarded under last two Sections.

426. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error or defect either in the charge or in the proceedings on trial, unless the accused person shall have been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, the accused person ought upon the evidence to have been found guilty, or unless, in the judgment of the Appellate Court, the accused person shall have been prejudiced by such error or defect ; and in case the accused person shall have

Finding or sentence not ordinarily reversible by reason of error or defect in the charge or the proceedings.

Appellate Court may reduce punishment.

been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

427. When a Court subordinate to a Court of Session shall have convicted a person of an offence not triable by such Court, it shall be competent to the Appellate Court to annul the conviction and sentence of such Court, and to direct the trial of the case by a Court of competent jurisdiction.

Court of appeal how to proceed in case of conviction by a Court not having jurisdiction.

428. Except as provided in Section 405 of this Act, sentences and orders passed by an Appellate Court upon appeal shall be final.

Finality of orders on appeal.

CHAPTER XXXI.

GENERAL RULES.

429. Every sentence or final order of a Criminal Court, together with the reasons for making or passing the same, shall be written in the vernacular language of the presiding Officer, and shall be dated and signed by such Officer at the time of his making or passing the same, and the original shall be filed with the record or proceedings, and a translation

In what language sentence to be written.

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translation thereof, where the original is recorded in a different language from that in ordinary use in proceedings before such Officer, shall be incorporated in the record of the sentence or order.

430. If the vernacular language of the presiding Officer be not English, and the Officer be sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefer to write the same in that language, the sentence or final order may be written in English.

431. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, such interpreter shall be sworn, in the manner provided for witnesses by any law for the time being in force, to interpret truly such evidence or statement, and such interpreter shall be bound to state the truth in his interpretation of such evidence or statement.

432. Every person charged before any Criminal Court with an offence may of right be defended by Counsel or authorized agent.

433. When any person under the age of sixteen years shall be sentenced by any Magistrate or Court of Session to imprisonment for any offence, it shall be lawful for such Magistrate or Court to direct that such offender, instead of being imprisoned in the Criminal Jail, shall be confined in any reformatory which may be recognised by the local Government as a fit place for confinement, in which there may be means of suitable discipline and of training in some branch of useful industry, and which shall be kept by a person willing to obey such rules as the Government may direct with regard to the discipline and training of persons confined therein. All persons confined under this Section shall be subject to the rules so laid down by Government.

434. It shall be at all times lawful for a Court of Session and for a Magistrate to call for and examine the record of any Court immediately subordinate to such Court or Magistrate for the purpose of satisfying themselves as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court. If the Court of Session or Magistrate shall be of opinion that the sentence or order is contrary to law, the Court or Magistrate shall

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Bengal, Madras, or Bombay, until the same shall be extended thereto by the Governor General of India in Council or by the local Government to which such territory is subordinate, and until such extension shall have been notified in the Gazette.

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APPENDIX OF FORMS.

A.

FORM OF SUMMONS (*Section 69.*)

To A. B., of

Whereas your attendance is necessary to answer to a charge of (*state shortly the offence charged*): You are hereby required to appear in person or by authorized Agent, as the case may be, before the [Magistrate] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ Herein fail not.

(*Signature and Seal*)

Dated the \_\_\_\_\_ day of \_\_\_\_\_

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B.

FORM OF WARRANT (*Section 76*)

To \_\_\_\_\_ (*name and designation of the person or persons who are to execute the warrant*).

Whereas \_\_\_\_\_ of \_\_\_\_\_ stands charged with the offence of (*state the offence*). You are hereby directed to apprehend the said \_\_\_\_\_ and to produce him before me. Herein fail not.

(*Signature and Seal.*)

This warrant may be endorsed as follows:—

If the said \_\_\_\_\_ shall give bail, himself in the sum of \_\_\_\_\_ with one surety in the sum of \_\_\_\_\_ (or two sureties each in the sum of \_\_\_\_\_) to appear before me on the \_\_\_\_\_ day of \_\_\_\_\_ he may be released.

Dated \_\_\_\_\_ *Signature.*

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C.

FORM OF WARRANT OF COMMITMENT.

(*Section 222.*)

To \_\_\_\_\_ Jailer of \_\_\_\_\_

Whereas \_\_\_\_\_ of \_\_\_\_\_ is charged with (*state the offence in respect of which the prisoner is charged; and the authority of the Committing Officer*):

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*Officer*): You are hereby required to receive the said \_\_\_\_\_ into your custody in the said Jail of \_\_\_\_\_ and him there safely to keep until he shall be thence delivered by due course of law.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

D.

FORM OF BOND TO KEEP THE PEACE.

(Section 284.)

Whereas I \_\_\_\_\_ inhabitant of \_\_\_\_\_ have been called upon to enter into a bond to keep the peace for the term of \_\_\_\_\_, I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of \_\_\_\_\_ Rupees.

Dated \_\_\_\_\_

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above said \_\_\_\_\_ that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of \_\_\_\_\_ Rupees.

Dated \_\_\_\_\_

E.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

(Sections 158 and 232.)

I \_\_\_\_\_ of \_\_\_\_\_ do hereby bind myself to appear at \_\_\_\_\_ in the Court of \_\_\_\_\_ at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ next, and then and there to prosecute (or, as the case may be, to prosecute and give evidence or to give evidence) in the \_\_\_\_\_ matter

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matter of a charge of \_\_\_\_\_ against one A. B.; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of \_\_\_\_\_ Rupees.

F.

FORM OF BOND FOR GOOD BEHAVIOUR (*Section 300.*)

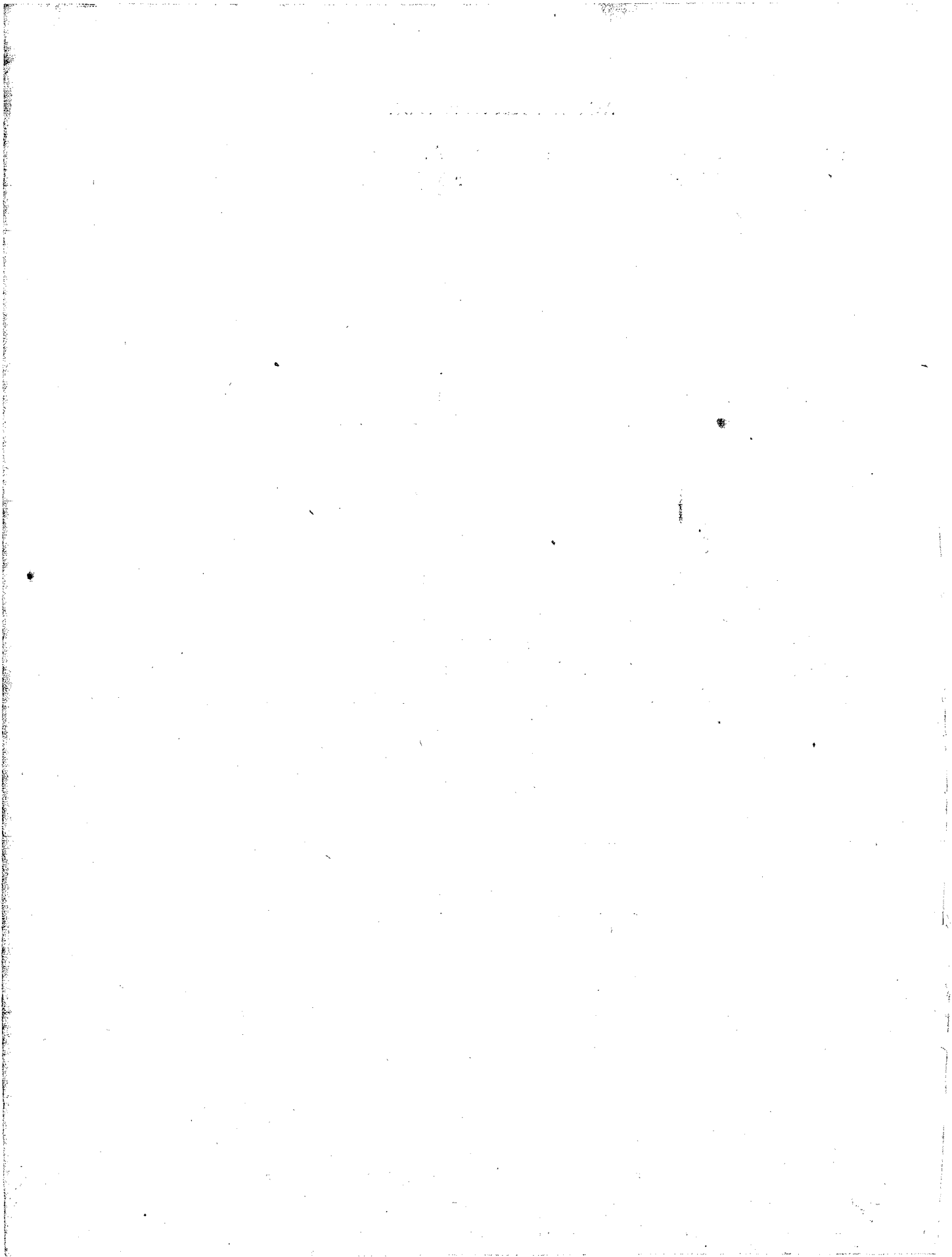
Whereas I \_\_\_\_\_ inhabitant of \_\_\_\_\_ have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of \_\_\_\_\_, I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of \_\_\_\_\_ Rupees.

Dated \_\_\_\_\_

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FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above said \_\_\_\_\_ that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of \_\_\_\_\_ Rupees.



SCHEDULE.—(Referred to in Section 22 and elsewhere in this Act.)

*Explanatory Notes*—1st.—The entries in the 2nd and 6th Columns of the Schedule, headed respectively “Offence” and “Punishment under the Indian Penal Code,” are not intended as definitions of the Offences and Punishments described in the several corresponding Sections of the Indian Penal Code, or even as extracts of those Sections, but merely as references to the subject of the Section, the number of which is given in the 1st Column.

2nd.—The term “Whether bailable or not,” in Column 5, is to be taken in connection with the provisions of Sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in Column 7. For example, a Court of Session may try an offence entered in Column 7 as triable by a Magistrate.

4th.—Any offence which is triable by an Officer exercising the powers of a Magistrate may be tried by a Subordinate Judge or a Principal Sudder Ameen in the Presidency of Fort St. George.

5th.—The words “Magistrate of the District,” as used in Column 7, shall include any Officer exercising the powers of a Magistrate.

6th.—The words “any Magistrate,” as used in Column 7, shall include any Subordinate Magistrate of the 1st or 2nd Class.

7th.—In the Territories in British India to which the General Regulations of Bengal, Madras, and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the Local Government of those Territories respectively shall appoint.

CHAPTER V.—OF ABETMENT.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
109	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	The same punishment as for the offence intended to be abetted.	Ditto.

CHAPTER V.—OF ABETMENT.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
113	When an effect is caused by the act abetted different from that intended by the abettor.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence committed	By the Court by which the offence abetted is triable.
114	If abettor is present when offence is committed....	Ditto, ...	Ditto, ...	Ditto, ...	The same punishment as for the offence abetted.	Ditto.
115	Abetment of an offence punishable with death or transportation for life if the offence be not committed in consequence of the abetment. If an act which causes harm be done in consequence of the abetment.	Ditto, ...	Ditto.	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment. If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to $\frac{1}{4}$ part of the longest term and of any description provided for the offence, or fine, or both.	Ditto. <i>In Gazette of 26.4.1902.</i>



117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto, ... ..	Ditto, ... ..	<del>Ditto, ... ..</del> <i>Bailable.</i>	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto, ... ..	Ditto, ... ..	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{2}$ of the longest term and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto, ... ..	Ditto, ... ..	Not bailable, ...	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed, ... ..	Ditto, ... ..	Ditto, ... ..	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{4}$ part of the longest term and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment extending to $\frac{1}{4}$ part of the longest term and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed, ... ..	Ditto, ... ..	Ditto, .. ...	Ditto, ... ..	Imprisonment extending to $\frac{1}{2}$ part of the longest term and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant, ... ..	Not bailable, ...	Death, or transportation for life, and forfeiture of property.	Court of Session.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
124	Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto, ... ..	Ditto, ... ..	<del>Ditto</del> ...	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.

127	Receiving property taken by war or depredation mentioned in Sections 125 and 126.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
128	Public servant voluntarily allowing Prisoner of State or War in his custody to escape.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering Prisoner of State or War in his custody to escape.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Simple imprisonment for 3 years and fine.	Ditto.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto, ... ..	Ditto, ... ..	Not bailable, ... ..	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from his allegiance or duty.	May arrest without warrant.	Warrant, ... ..	Not bailable, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Death or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer when in the execution of his office.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
134	Abetment of such assault, if the assault is committed.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
135	Abetment of the desertion of an Officer, Soldier, or Sailor.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.—(Continued.)

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
136	Harbouring an Officer, Soldier, or Sailor who has deserted.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Fine of 500 Rs., ...	Ditto.
138	Abetment of act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly, ...	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse,	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
147	Rioting, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
148	Rioting armed with a deadly weapon, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as a arrest may be made without warrant for the offence, or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence.	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto, ... ..	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto, ... ..	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed, ... ..	Ditto, ... ..	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

CHAPTER VIII.—OFFENCES AGAINST PUBLIC TRANQUILITY.—(Continued.)

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Summons, .. ...	Bailable, ... ...	Fine of 1,000 Rupees.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
155	Person for whose benefit, or on whose behalf a riot takes place, not using all lawful means to prevent it.	Ditto, ... ...	Ditto, ... ...	Ditto, ... ...	Fine, ... ...	Ditto.
156	Agent of owner or occupier, for whose benefit a riot is committed, not using all lawful means to prevent it.	Ditto, ... ...	Ditto, ... ...	Ditto, ... ...	Ditto, ... ...	Ditto.
157	Harrowing persons hired for an unlawful assembly,	May arrest without warrant.	Ditto, ... ...	Ditto, ... ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto, ... ...	Ditto, ... ...	Ditto, ... ...	Ditto, ... ...	Ditto.
160	Or to go armed, ... ..	Ditto, ... ...	Warrant, ... ...	Ditto, ... ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
	Committing affray, ... ..	Shall not arrest without warrant.	Summons, ... ...	Ditto, ... ...	Imprisonment of either description for 1 month, or fine of 100 Rs., or both..	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding Sections with reference to himself.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade, ...	Ditto, ... ..	Ditto, ... ..	Ditto, .. ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.—(Continued.)

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
170	Personating a public servant, ... ..	May arrest without warrant.	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by Public servant with fraudulent intent.	Ditto.	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 3 months, or fine, of 200 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Ditto.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.



174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Ditto.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto, .. ...	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If the information required respects the commission of an offence, &c.	Shall not arrest without warrant,	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
178	Refusing oath when duly required to take oath by a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 3 months, or fine of 500 Rs., or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto, ... ..	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 month, or fine of 500 Rs., or both.	Ditto.
185	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 month, or fine of 200 Rs., or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.
	Willfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine of 500 Rs., or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.
	If such disobedience causes danger to human life, health, or safety, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant,	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 7 years and fine.	Court of Session.
	Giving or fabricating false evidence in any other case.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto, ... ..	Ditto, ... ..	Not bailable, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
	If innocent person be thereby convicted and executed.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Death or as above, ...	Ditto.

195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	The same as for the offence.	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto, ... ..	Ditto, ... ..	According as the offence of giving such evidence is bailable or not,	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
200	Using as true any such declaration known to be false.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
	If punishable with transportation, or imprisonment for 10 years.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
	If punishable with less than 10 years' imprisonment.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment for $\frac{1}{4}$ th of the longest term and of the description provided for the offence, or fine, or both	By the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto, ... ..	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
203	Giving false information respecting an offence committed.	Shall not arrest without warrant,	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, .. ... ..	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Magistrate of the District.
209	False claim in a Court of Justice. ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years and fine.	Ditto.

210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure, If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto, ... .. Ditto, ... ..	Ditto, ... .. Ditto, ... ..	Ditto, ... .. Ditto, ... ..	Ditto. Imprisonment of either description for 7 years and fine.	Ditto. Court of Session.
212	Harbouring an offender if the offence be capital, If punishable with transportation for life, or with imprisonment for 10 years. If punishable with imprisonment for 1 year, and not for 10 years.	May arrest without warrant, Ditto, ... .. Ditto, ... ..	Ditto, ... .. Ditto, ... .. Ditto, ... ..	Ditto, ... .. Ditto, ... .. Ditto, ... ..	Imprisonment of either description for 5 years and fine. Imprisonment of either description for 3 years and fine. Imprisonment for $\frac{1}{4}$ th of the longest term and of the description provided for the offence, or fine, or both.	Ditto. Ditto. By the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital. If punishable with transportation for life, or with imprisonment for 10 years. If with imprisonment for less than 10 years, ...	Shall not arrest without warrant, Ditto, ... .. Ditto, ... ..	Ditto, ... .. Ditto, ... .. Ditto, ... ..	Ditto, ... .. Ditto, ... .. Ditto, ... ..	Imprisonment of either description for 7 years and fine. Imprisonment of either description for 3 years and fine. Imprisonment for $\frac{1}{4}$ th of the longest term and of the description provided for the offence, or fine, or both.	Court of Session. Ditto. By the Court by which the offence is triable.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instances.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.  If punishable with transportation for life, or with imprisonment for 10 years.  If with imprisonment for less than 10 years, ...	Shall not arrest without warrant,  Ditto, ...  Ditto, ...	Warrant, ..  Ditto, ...  Ditto, ...	Bailable, ...  Ditto, ...  Ditto, ...	Imprisonment of either description for 7 years and fine.  Imprisonment of either description for 3 years and fine.  Imprisonment for $\frac{1}{4}$ th of the longest term and of the description provided for the offence, or fine, or both.	Court of Session.  Ditto.  By the Court by which the offence is triable.
215	Taking gift to help to recover moveable property, of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.  If punishable with transportation for life, or with imprisonment for 10 years.  If with imprisonment for 1 year and not for 10 years.	May arrest without warrant, ...  Ditto, ...  Ditto, ...	Ditto, ...  Ditto, ...  Ditto, ...	Ditto, ...  Ditto, ...  Ditto, ...	Imprisonment of either description for 7 years and fine.  Imprisonment of either description for 3 years and fine.  Imprisonment for $\frac{1}{4}$ th of the longest term and of the description provided for the offence, or fine, or both.	Court of Session.  Ditto.  By the Court by which the offence is triable.



217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant,	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class only.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life or imprisonment for 10 years.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, with or without fine.	Ditto.
	If with imprisonment for less than 10 years, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto, ... ..	Ditto, ... ..	Not bailable, ...	Transportation for life or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
223	Escape from confinement negligently suffered by a public servant.	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant. ...	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto, ... ..
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..
	If charged with an offence punishable with transportation for life or imprisonment for 10 years.	Ditto, ... ..	Ditto, ... ..	Not bailable, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
	If under sentence of death, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

226	Unlawful return from transportation, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, and fine, and rigorous imprisonment for 3 years before transportation.	Ditto.
227	Violation of condition of remission of punishment,	Shall not arrest without warrant,	Summons, ... ..	Ditto, ... ..	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding,	Ditto, . ...	Ditto, ... ..	Bailable, ... ..	Simple imprisonment for 6 months, or fine of 1,000 Rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter X. of this Code.
229	Personation of a juror or assessor, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin,	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin,	May arrest without warrant,	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine	Ditto.
	If Queen's Coin, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
236	Abetting in India the counterfeiting out of British India of Coin.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	The punishment provided for abetting the counterfeiting of such Coin within British India.	Ditto.
237	Import or Export of counterfeit Coin, knowing the same to be counterfeit.	Ditto ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
238	Import or Export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto, ... ..	Ditto, ... ..	Ditto, .. ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 5 years and fine.	Ditto.

240	The same with respect to the Queen's Coin, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Sub-ordinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
245	Unlawfully taking from a Mint any Coining instrument.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any Coin with intent that it shall pass as a coin of a different description.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.

CHAPTER XI.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	May arrest without warrant,	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 5 years and fine.	Court of Session.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
255	Counterfeiting a Government Stamp, ... ..	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 10 years and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.

257	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
258	Sale of counterfeit Government Stamp, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
259	Having possession of a counterfeit Government Stamp.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
260	Using as genuine a Government Stamp known to be counterfeit.	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it with intent to cause wrongful loss to Government.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government Stamp known to have been before used.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
263	Erasure of mark denoting that Stamp has been used.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.

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CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
265	Fraudulent use of false weight or measure, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

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

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule, ...	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation, known to have been adulterated.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..



	... issuing from a dispensary any drug or medical preparation, as a different drug or medical preparation.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
277	Defiling the water of a public spring or reservoir,	May arrest with- warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Ditto.
278	Making atmosphere noxious to health, ... ..	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Fine of 500 Rs., ...	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest with- out warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, .. ...	Ditto, ... ..	Ditto.
281	Exhibition of a false light, mark, or buoy, ... ..	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto, ... ..	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Sub- dinate Magis- trate of 1st Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Fine of 200 Rs. ... ..	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest with- out warrant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
286	So dealing with any explosive substance, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.—(Continued.)

Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
287	Selling or dealing with any machinery, ... ..	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
288	A person omitting to guard against probable danger to human life, by the fall of any building, over which he has a right entitling him to pull it down or repair it.	May arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
290	Committing a public nuisance, ... ..	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Fine of 200 Rs., ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 6 months, or fine, or both.	Ditto.
292	Sale, &c., of obscene books &c., ... ..	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
294	Obscene songs, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.*	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY..

*Offences Affecting Life.*

302	Murder, ... ..	May arrest without warrant.	Warrant, ... ..	Not bailable, ... ..	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Death, ... ..	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years, or fine, or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant, ...	Warrant, ...	Not bailable, ...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	If such act cause hurt to any person, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life or as above.	Ditto.
308	Attempt to commit culpable homicide, ...	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide, ...	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year and fine.	Magistrate of the District.
311	Being a thug, ...	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, and fine.	Court of Session.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)

Of Hurt.

No.	2. Offences.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
23	Voluntarily causing hurt, ... ..	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 1 year, or fine of 1,000 Rupees, or both.	Any Magistrate.
24	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
25	Voluntarily causing grievous hurt, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Court of Session.
26	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto, ... ..	Ditto, ... ..	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
27	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto, ... ..	Warrant, .. ..	Ditto, ... ..	Imprisonment of either description for 10 years, and fine.	Ditto.
28	Administering stupefying drug with intent to cause hurt.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
29	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

*Of the causing of Miscarriage ; of injuries to unborn children ; of the exposure of infants ; and of the concealment of births.*

2	Causing miscarriage, ...	Shall not arrest without warrant.	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
13	Causing miscarriage without woman's consent, ...	Ditto, ... ..	Ditto, .. ..	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
14	Death caused by an act done with intent to cause miscarriage.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
	If not done without woman's consent, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life or as above.	Ditto.
15	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
16	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
17	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
18	Concealment of birth by secret disposal of dead body.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto, ... ..	Ditto, ... ..	Not Bailable, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto, ... ..	Ditto, ... ..	Not Bailable, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
334	Voluntarily causing hurt on grave and sudden provocation not intending to hurt any other than the person who gave the provocation.	Ditto, ... ..	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 1 month, or fine of 500 Rs., or both.	Any Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 4 years, or fine of 2,000 Rs., or both.	Court of Session or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 months, or fine of 250 Rs., or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 6 months, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine of 1,000 Rs., or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)

*Of wrongful Restraint and wrongful Confinement.*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
341	Wrongfully restraining any person, ... ..	May arrest without warrant.	Summons, ... ..	Bailable, ... ..	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Any Magistrate.
342	Wrongfully confining any person, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
343	Wrongfully confining for three or more days, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, in addition to imprisonment under any other Section.	Court of Session.
346	Wrongful confinement in secret, ... ..	May arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..



*Of Criminal Force and Assault.*

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
355	Assault or criminal force with intent to dishonor a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Ditto, ...	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Ditto, ...	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)  
*Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
363	Kidnapping, ... ..	May arrest without warrant.	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
364	Kidnapping or abducting in order to murder, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
370	Buying or disposing of any person as a slave, ...	Shall not arrest without warrant.	Ditto, ... ..	Bailable, ... ..	Ditto, ... ..	Ditto.

371	Marital dealing in slaves, ... ..	...	...	...	Ditto, ... ..	Not bailable, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	...	...	...	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	...	...	...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
374	Unlawful compulsory labor, ... ..	...	...	...	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

*Of Rape.*

376	Rape, ... ..	...	...	...	Warrant, ... ..	Not bailable, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
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*Of Unnatural Offences.*

377	Unnatural offences, ... ..	...	...	...	Warrant, ... ..	Not bailable ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
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CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

*Of Theft.*

379	Theft, ... ..	...	...	...	Warrant, ... ..	Not bailable, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
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CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.—(Continued.)

*Of Theft.—(Continued.)*

Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
380	Theft in a building, tent, or vessel, ... ..	May arrest without warrant.	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session or Magistrate of the District.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retreating after committing it, or to retaining property taken by it.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Rigorous imprisonment for 10 years and fine.	Court of Session.

*Of Extortion.*

384	Extortion, ... ..	Shall not arrest without warrant.	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
385	Printing or attempting to put in fear of injury, in order to commit extortion.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

386	Extortion by putting a person in fear of death or grievous hurt.	Ditto, ... ..	Ditto, .. ...	Not bailable, ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 year and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto, ... ..	Ditto, .. ...	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life.	Ditto.

69

*Of Robbery and Dacoity.*

392	Robbery, ... ..	May arrest without warrant.	Warrant ... ..	Not bailable, ...	Rigorous imprisonment for 10 years and fine.	Court of Session.
	If committed on the highway between sunset and sunrise.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued)

1.	2.	3.	4.	5.	6.	8.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
396	Murder in dacoity, ... ..	May arrest without warrant.	Warrant, ... ..	Not bailable, ... ..	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
399	Making preparation to commit dacoity, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

*Of Criminal Misappropriation of Property.*

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If by clerk or person employed by deceased, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.

*Of Criminal Breach of Trust.*

405	Criminal breach of trust,	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
408	Criminal breach of trust by a clerk or servant, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)

*Of the receiving of Stolen Property.*

1.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ... ..	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.



*Of Cheating.*

417	Cheating, ... ..	Shall not arrest without warrant.	Warrant, ...	Bailable, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
419	Cheating by personation, ... ..	Ditto,	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the altering or destroying of a valuable security.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Court of Session.

*Of Fraudulent Deeds and Dispositions of Property.*

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant, ...	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto, ... ..	Ditto, .. ..	Ditto, ... ..	Ditto, ... ..	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

## CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)

## Of Mischief.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
426	Mischief, ... ..	Shall not arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
428	Mischief by killing, poisoning, maiming, or rendering useless, any animal of the value of 10 Rupees or upwards.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
429	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 Rupees or upwards.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.

432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 Rupees or upwards.	May arrest without warrant, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto, ... ..	Ditto, ... ..	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last Section when committed by fire or any explosive substance.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 5 years and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)

*Of Criminal Trespass.*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
447	Criminal trespass, ... ..	May arrest without warrant.	Summons, ... ..	Bailable, ... ..	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.
448	House-trespass, ... ..	Ditto, ... ..	Warrant, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto, ... ..	Ditto, ... ..	Not bailable, ... ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft, ... ..	Ditto, ... ..	Ditto, ... ..	Not bailable, ... ..	Imprisonment of either description for 7 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
453	Lurking house-trespass or house-breaking, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft,	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Court of Session.
456	Lurking house-trespass or house-breaking by night,	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 5 years and fine.	Court of Session, or Magistrate of the District.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(Continued.)  
Of Criminal Trespass—(Continued).

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If the offence is theft, ... ..	May arrest without warrant.	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 14 years and fine.	Court of Session, or Magistrate of the District.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Shall not arrest without warrant.	Warrant, ... ..	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the document is a valuable security or will, ...	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life or as above, ... ..	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
<i>Of Trade and Property-Marks.</i>						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

	Forgery, ... ..	Shall not arrest without warrant.	Warrant, ... ..	Bailable, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
465	...	Ditto, ... ..	Ditto, ... ..	Not bailable,	Imprisonment of either description for 7 years and fine.	Ditto.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.
468	Forgery for the purpose of cheating, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Punishment for forgery.	Ditto.
469	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Ditto, ... ..	Ditto, ... ..	Bailable, ... ..	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Punishment for forgery.	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto, ... ..	Ditto, ... ..	Not bailable,	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 7 years and fine.	Ditto.



483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto, ... ..
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto, ... ..	Summons, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
488	Making use of any such false mark, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Ditto.	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Court.	By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 month, or fine of 100 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 200 Rs., or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.
CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.						
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.

495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years and fine.	Ditto,
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery, ...	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XXI.—OF DEFAMATION.

500	Defamation, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

503	Insult intended to provoke a breach of the peace,	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
504	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto, ...	Ditto, ...	Not bailable, ...	Ditto, ...	Magistrate of the District.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Court.	7. By what Court triable.
506	Criminal intimidation, ...  If threat be to cause death or grievous hurt, &c.,	Shall not arrest without warrant.  Ditto, ... ..	Warrant, ... ..  Ditto, ... ..	Bailable,  Ditto, ... ..	Imprisonment of either description for 2 years, or fine, or both.  Imprisonment of either description for 7 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.  Court of Session.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 2 years, in addition to the punishment under above Section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for one year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto, ... ..	Ditto, ... ..	Ditto, ... ..	Simple imprisonment for 24 hours, or fine of 10 Rs., or both.	Any Magistrate.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.
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ACT No. XXVI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

*An Act to regulate the occupation of land in the Settlement of Malacca.*

Preamble. WHEREAS doubts have arisen as to the power of Her Majesty to convey in fee simple in the District of Malacca (within the Settlement of Malacca), the lands in which certain rights and interests were surrendered to the Honorable the East India Company in the years 1828 and 1829, and whereas it is expedient to remove such doubts, and to declare the rights of Her Majesty in respect to such lands, and otherwise to amend the law relating to the occupation of land situate within the Settlement of Malacca; It is enacted as follows:—

Certain lands surrendered to the East India Company declared to be vested in the Queen.  
I. The lands in the District of Malacca in which certain rights and interests were surrendered to the East India Company in the years 1828 and 1829, on condition that a certain amount then settled and agreed upon should be paid by the Government annually, so long as the British rule in the said District continued, to every person making such surrender, and on condition also that every such person in the event of the cessation of the British rule in the said District should resume the rights then conditionally surrendered to the British Government, are hereby declared to be vested in fee simple in Her Majesty the Queen, Her Heirs, and Successors (saving always any rights or interests lawfully vested in any under-tenants and cultivators holding or occupying any portion of such lands), and any conveyance which after the passing of this Act shall be made by Her Majesty, Her Heirs, and Successors of any of the said lands in fee simple or otherwise (not inconsistent with the rights or interests aforesaid of such under-tenants and cultivators) shall be good and valid for all intents and purposes whatsoever.

II. The

ACT No. XXVI OF 1861.

II. The annuities stipulated to be paid to the persons who surrendered the rights and interests aforesaid, shall be paid as a perpetual annuity to the said persons or their heirs or representatives by the Government of India, but it shall be lawful for the Governor-General of India in Council to commute the perpetual annuity payable to any such annuitant, for such sum and on such terms as may with such annuitant be agreed upon in full discharge of the perpetual annuity so commuted and of all rights or obligations whatsoever connected therewith. In the event of a cessation of British rule in the said District, nothing in this Section shall interfere with the claim of any person then enjoying an uncommuted annuity under this Section, to a money compensation from the Government equal to the then value of any right or interest in land surrendered by him as described in the last Section, which but for the passing of this Act would then have reverted to him. No such surrendered right or interest in such land shall then revert to or revive in any such annuitant, nor shall any such annuitant have a claim in connection with any such right or interest to aught but a money compensation from the Government.

III. All cultivators and resident tenants of the lands referred to in the first Section of this Act, as well as in the District of Nanning, who hold their lands by prescription, are hereby declared to be and shall be subject to a payment of one-tenth part of the produce thereof to Government; such payment to be made in kind or in the form of a sum of money fixed in commutation of the payment in kind; and all other cultivators and under-tenants who now occupy or hold or shall occupy or hold any of such lands as aforesaid, are hereby declared to have been and shall be liable, as directed in Section II of Act XVI of 1839 (*relating to Prince of Wales' Island, Singapore, and Malacca*), to be assessed in such manner, at such rate, and under such conditions as the Resident Councillor of Malacca, with the authority of the Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca, may determine. Nothing in this Section shall be taken to effect any engagement entered into for a specific time or upon specific conditions between any cultivator or tenant and the Resident Councillor or other person acting on behalf of the local Government during the pendency thereof.

IV. It



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IV. It shall be lawful for the Governor of Prince of Wales' Island, Singapore, and Malacca to commute the payment, whether in kind or money, to which any person is liable under the last preceding Section, for a sum to be fixed at the discretion of the said Governor and for an annual quit-rent, and on the payment of the sum and quit-rent so fixed upon, the lands in respect of which such commutation is made shall be held subject to the terms of such commutation and free from liability to the payment provided for in the last preceding Section.

Commutation of a fixed sum for an annual payment.

V. It shall be lawful for the Governor aforesaid, any provision in Section V of the said Act XVI of 1839 to the contrary notwithstanding, to direct any lease, granted or to be granted under that Section, to be granted in perpetuity or for such term as to such Governor may seem proper, and, subject to such quit-rent as may be agreed upon, to transfer to, and vest absolutely in, any person or persons any portion of the waste or forest land situated within the lands aforesaid or within the District of Naning, on the payment of a sum fixed as provided in the last foregoing Section, free of any liability for the payment of annual rent.

Grant of leases.

VI. It shall not be competent to any party to claim, on the ground of prescriptive right or of possession, any forest, waste, or other uncultivated land situated within the lands, grants, or estates aforesaid or within the District of Naning, unless the same, having been before cultivated or occupied for some beneficial purpose, shall have fallen out of cultivation or use within three years from the passing of this Act; provided that any tenant, cultivator, or other occupier of cultivated land within the lands or District aforesaid, shall be permitted to engage for unoccupied, forest, waste, or other uncultivated land situated within or next adjoining the boundaries of the cultivated land held or occupied by him, to the extent of one-fourth thereof; and any order made in this matter by any person empowered in that behalf by the Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca shall be final, subject only to revision by such Governor in any case in which he may think revision called for.

Claims to waste lands.

VII. I

ACT No. XXVI of 1861.

VII. It shall be lawful for the Governor aforesaid to cause a survey or measurement to be made of all the land of the Settlement of Malacca and of the District of Naning or any portion thereof, at such time and by one or more persons as he may direct, and any person so empowered by the Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca may require by a summons under his hand any person resident within such Settlement or District to attend before him, and if necessary to produce any document relating to the right to any land or interest in land situated within such Settlement or District; and the person empowered as aforesaid may examine upon oath or solemn affirmation having the force of an oath, any person so summoned touching the right to any such land or interest in such land.

Survey or measurement of land.

Penalty for non-attendance when submitted to a measurement.

VIII. If any person, resident within the said Settlement of Malacca, who shall be required by a summons issued under the last preceding Section to appear at a certain place and time for the purpose of attending at a survey or measurement under the said Section, or to produce before any person empowered under the said Section any such document as is mentioned in the said Section, intentionally omits to attend at that place or time or departs from the place where he is bound to attend without the permission of the person so empowered, or intentionally omits to produce such document before such person, he shall, on summary conviction before any Criminal Court within whose jurisdiction the offence is committed, be liable to be punished with simple imprisonment in the Civil Jail for a term that may extend to one month, or with fine that may extend to one hundred Rupees, or with both.

Adjudication of disputed possession.

IX. Any person so empowered as aforesaid may define by such marks as he may think fit the boundaries of any land held or occupied by any tenant, cultivator, or other occupier; and if, in the course of survey or measurement or in the course of making any settlement, transfer, or assignment, any dispute shall arise as to the right of possession of any land between two or more persons claiming to possess the same as tenants, cultivators, or occupiers, or between one or more such persons and any grantee or proprietor of any lands in the Settlement of Malacca not surrendered in the manner recited in Section

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I of this Act, or any person holding under such grantee or proprietor, any person empowered as aforesaid shall after enquiry make an order in favor of the party who may appear to have the best title, and shall put in possession the party in whose favor an award is so made.

X. Any award made under the last foregoing Section shall be final, unless within two months from the date of the award any of the parties thereto shall move the Court of Judicature of Malacca to set it aside, and such Court may on such motion confirm, set aside, or modify such award.

Effect of award under preceding Section.

XI. Sections VII, VIII, IX, X, XIV, and XV of Act X of 1837 (*relating to claims to lands in Prince of Wales' Island, Singapore, and Malacca*) shall, so far as applicable, be read as part of this Act.

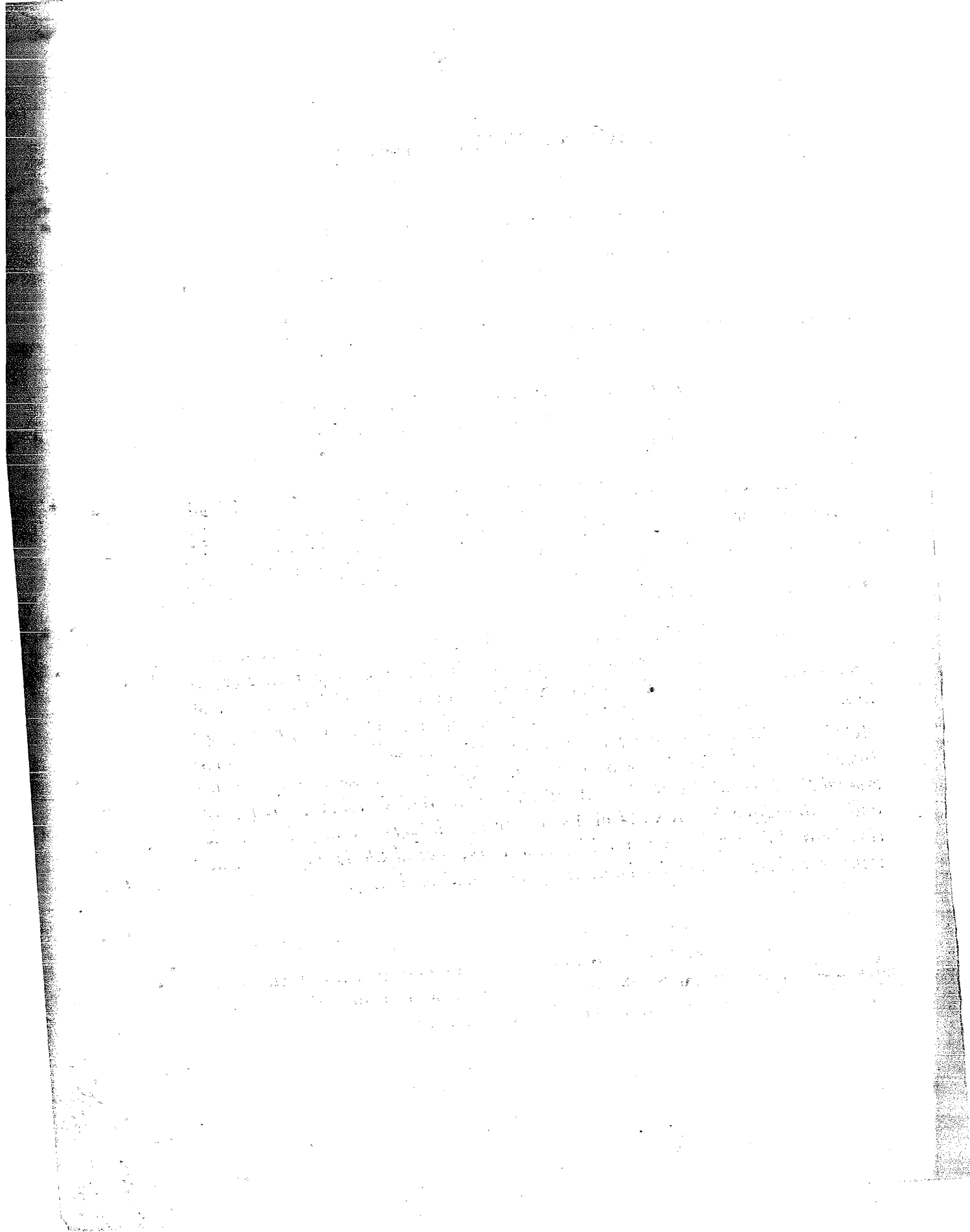
Construction.

XII. The Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca, in the exercise of any authority vested in him by this Act, shall be guided by such instructions as he shall from time to time receive from the Governor-General of India in Council.

Governor to be guided by instructions from the Government of India.

XIII. Nothing in this Act shall be held to warrant any exemption being granted or allowed in favor of any owner or occupier of land in respect of the Municipal rates and taxes levied under Act XXV of 1856 (*to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*) or Act XXVII of 1856 (*for appointing Municipal Commissioners, and for levying rates and taxes in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*).

No exemption to be granted from Municipal rates.



ACT No. XXVII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 7th September 1861.)

*An Act to regulate the administration of Port Blair and other Settlements in the Andaman Islands.*

Preamble. WHEREAS the Settlement of Port Blair including the territory thereto attached, within the Andaman Group of Islands, is occupied as a Penal Settlement for convicts sentenced by the Courts of British India to transportation, and it is expedient to provide for the admission and residence of other persons than convicts within the said Settlement; and whereas it is expedient to provide in like manner for any other Settlements that may be formed in the said Islands, as well as for the occupation of land and the general administration of such Settlements; It is enacted as follows:—

I. The land of the Settlement of Port Blair and of any other Settlement that may hereafter be formed by the Government of India in the Andaman Group of Islands is vested absolutely in Her Majesty the Queen, and such land shall not be sold, leased, or otherwise transferred to or be acquired by any person except by and through an instrument in writing executed by the Superintendent of the Settlement or such other authority as the Governor-General of India in Council may appoint, and it shall be competent to such Superintendent or other authority to eject any person from any land occupied or in any way possessed by such person which he shall not have acquired in the manner prescribed in this Section.

Land vested absolutely in Government.

Appointment of Officers to superintend management of land, &c.

II. The Governor-General of India in Council may appoint one or more Officers to superintend the management of the land of the Settlement of Port Blair and of any other Settlement as aforesaid, and the realization of any Revenue, rent,

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rent, or other dues that may be payable on account of such land, and any Officer so appointed shall, in the matters aforesaid, be subject to the direction and control of the Governor-General of India in Council and be guided by such instructions as the Governor-General of India in Council may from time to time issue.

III. The administration of Civil and Criminal justice within the Settlement of Port Blair and of any other Settlement as aforesaid, shall be vested in such Officer or Officers as the Governor-General of India in Council may, for the purpose of tribunals of first instance or of reference and appeal, appoint, and the Officer or Officers so appointed shall in matters aforesaid be subject to the direction and control of the Governor-General of India in Council, and be guided by such instructions as the Governor-General of India in Council may from time to time issue.

IV. It shall be lawful for the Governor-General of India in Council to declare in what cases the order, judgment, or sentence made by any Officer appointed as provided in the last preceding Section shall be final, and to direct that from any such order, judgment, or sentence an appeal may be heard and decided by any Court established within British India and beyond the limits of the Settlement of Port Blair.

V. It shall be lawful to the Governor-General of India in Council to empower any Court established within British India and beyond the limits of the said Andaman Group of Islands, to confirm and modify or reverse any order or sentence passed in any Criminal trial by any Officer within such Settlement, and no sentence of death passed by any Officer within any Settlement in the said Group of Islands shall be carried into execution until it be confirmed by the Governor-General of India in Council or by such Court, established within British India as aforesaid, as the Governor-General of India in Council may for that purpose appoint.

VI. It shall not be lawful for the Master or Commander of any vessel to land or to anchor such vessel for the purpose of landing any person or any goods or things at any place on the Coast of the Settlement of Port Blair or any other Settlement as aforesaid, except at such place as may be declared

Penalty for Master anchoring his vessel for the purpose of landing of passengers or goods at unauthorized Port.

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declared a Port under the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues*); and any Master or Commander so offending shall forfeit and pay a sum not exceeding one thousand Rupees.

VII. Any person who shall land from any vessel or boat at any place on the Coast of the Settlement of Port Blair or of any other Settlement as aforesaid, except at such place as shall be within the limits of any Port declared under the provisions of the said Act XXII of 1855, shall forfeit and pay a sum not exceeding five hundred Rupees, and any goods or thing landed from any vessel or boat, except within such limits, shall be liable to be seized by any person in the employment of Government within the Settlement, and may be confiscated if the Superintendent or other Officer aforesaid shall so direct.

VIII. The provisions of the last two preceding Sections shall not apply to any vessel or boat the property of Her Majesty or used for any public purpose, or to any person, goods, or thing landed from such vessel or boat, nor in any other case when the Sections aforesaid shall have been infringed from stress of weather or other unavoidable circumstances.

IX. The Master or Commander of any vessel which shall enter any Port of the Settlement of Port Blair or of any other Settlement as aforesaid, shall be bound to deliver to the Conservator of the Port, within twenty-four hours from the time of entering, a list of the crew and passengers on board of such vessel as well as a Manifest of the Cargo carried by such vessel; and any Master or Commander failing to deliver such list and Manifest within such period, shall forfeit and pay a sum not exceeding five hundred Rupees.

X. No person shall land within the limits of any Port of the Settlement of Port Blair or of any other Settlement as aforesaid, except under a license granted as hereinafter provided or under the written permission of the Conservator of the Port or of the Superintendent of the Settlement or other authority appointed as provided in Section I of this Act, and any person so landing without such license or permission shall forfeit and pay a sum not exceeding five hundred Rupees.

XI. No

ACT No. XXVII OF 1861.

XI. No goods or other thing shall be landed within the limits of any Port of the Settlement of Port Blair or of any other Settlement as aforesaid except under the written permission of the Conservator of the Port or other Officer appointed on that behalf; and any goods or thing landed without such permission, shall be liable to be seized by any person in the employment of Government within the Settlement, and may be confiscated if the Superintendent or other authority aforesaid shall so direct.

Penalty for landing goods without license.

XII. Every Master or Commander of a vessel shall, twenty-four hours at least before the departure of such vessel from any Port of the Settlement of Port Blair, or of any other Settlement as aforesaid, furnish to the Conservator of such Port a list of the crew and other persons who are about to sail in such vessel, specially designating any person (if any) who shall not have arrived at the Settlement in such vessel; and every Master or Commander who shall fail to furnish such list shall forfeit and pay a sum not exceeding one thousand Rupees. If any such Master or Commander shall, after furnishing the list herein mentioned, take or receive on board his vessel any person, not mentioned or included in such list, for the purpose of taking him from such Port, without forthwith informing the Conservator of such Port of the name of such person, he shall be liable to forfeit and pay a sum of five hundred Rupees for every such person so taken or received on board.

Penalty for Master omitting to furnish the Conservator with a list of his crew &c. before the departure of his vessel.

XIII. Every Master or Commander of any vessel anchored in, or about to depart from, any Port of the Settlement of Port Blair or of any other Settlement as aforesaid, shall be bound, on the requisition of the Conservator of the Port or other person acting under the instructions of the Superintendent of the Port or other Officer as aforesaid, to permit such Conservator or other person to inspect such vessel and to produce before such Conservator or other person any person who may be on board of such vessel. If any Master or Commander shall fail to conform to any of the provisions of this Section, he shall forfeit and pay a sum not exceeding one thousand Rupees.

Inspection of vessels.

Penalty.

XIV. If



ACT No. XXVII OF 1861.

XIV. If the Master or Commander of any vessel or other person shall wilfully receive on board such vessel or on any boat any convict undergoing a sentence of transportation, for the purpose of conveying the same from the Settlement of Port Blair or any other Settlement as aforesaid without the knowledge or authority of the Superintendent or other Officer aforesaid, such Master or Commander or other person shall forfeit and pay a sum not exceeding one thousand Rupees, besides being liable to any punishment that may be awarded on conviction of any offence committed by him under the provisions of the Indian Penal Code.

XV. No person shall reside at the Settlement of Port Blair or any other Settlement as aforesaid beyond the period of one month, or after the departure of the vessel by which he was conveyed to such Settlement, except he shall hold a license granted by some person empowered in that behalf by the Governor-General of India in Council; and any person who shall so reside without such license shall forfeit and pay a sum not exceeding five hundred Rupees. Such person may be required to remove himself from the Settlement in which he shall be within such time as the Superintendent or other Officer appointed as provided in Section I of this Act shall direct, and if he shall fail so to do he shall forfeit and pay a sum not exceeding five hundred Rupees, and may further be shipped and removed from the Settlement by any vessel that the Superintendent or other Officer aforesaid shall appoint for that purpose.

XVI. The Governor-General of India in Council may determine the conditions upon which a license to reside in the Settlement of Port Blair or any other Settlement as aforesaid shall be granted. The conditions so determined shall be inserted in the license: and if the holder of any such license shall fail to conform to, or shall infringe, any of the conditions therein specified, he shall forfeit and pay any sum specified therein as a forfeiture payable for any neglect or infringement of such conditions. Such person may also be required to remove himself from the Settlement in which he shall be, and his failure so to do may be enforced as provided in the last preceding Section.

XVII. The forfeitures incurred under this Act may be imposed by any Officer exercising the authority of Magistrate within the Settlement of Port Blair, and the payment of the sum may

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may be enforced by distress and sale of the goods and chattels of the offender, or in the case of the Master or Commander of a vessel, by the distress and sale of such vessel and the tackle, apparel, and furniture thereof : and in default of the recovery of any sum forfeited and payable under this Act, the offender may be imprisoned in the Civil Jail for a period of one month if such sum be not sooner paid.

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ACT No. XXVIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

*An Act to extend the provisions of Act I of 1859 (for the amendment of the Law relating to Merchant Seamen.)*

WHEREAS it is enacted by Section CCXLII of the Merchant Shipping Act of 1854, that the Board of Trade may suspend or cancel the certificate of competency or service granted by the said Board to any Master or Mate, if, upon investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships or as to shipwrecks or other casualties affecting ships, a report is made by such Court or Tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, and such report is confirmed by the Governor or person administering the Government of such possession :

And whereas it is enacted by Section LXXXII of Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) that the local Government may suspend or cancel the certificate, whether of competency or service, granted under that Act to any Master or Mate, if, upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships or

as

ACT No. XXVIII OF 1861.

as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny : Provided always that, in the case of any report by any such last mentioned Court or Tribunal, the report shall have been confirmed by the Governör or person administering the Government of such possession :

And whereas it is expedient to authorize Courts or Tribunals in India to make such enquiry and report, and also to empower the Courts of ordinary Criminal jurisdiction in some cases to exercise the powers vested by the said Act I of 1859 in Courts having Admiralty jurisdiction in India : It is enacted as follows :—

I. Every Court having Admiralty jurisdiction in India, and the Principal Court of ordinary Criminal jurisdiction at every Port in India where there is no Court having Admiralty jurisdiction, is hereby authorized to make enquiry into charges of incompetency or misconduct on the part of any Master or Mate of any ship, whether such Master or Mate shall have obtained his certificate from the Board of Trade or from any local Government, or as to shipwreck or other casualties affecting ships ; and if on such enquiry it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such Master or Mate, or that any such Master or Mate has been guilty of any gross act of misconduct, drunkenness, or tyranny, the Court shall report the same to the local Government.

Courts authorized to make enquiry into charges against Masters or Mates, and to report to local Government.

II. For the purpose of such enquiry the Court may summon the Master or Mate to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation as the Court may deem just.

Powers of Court in making enquiry.

III. Nothing in this Act shall be held to affect the powers vested by Section LXXX of the said Act I of 1859 in Courts having Admiralty jurisdiction in India. The said powers may be exercised

Saving of powers vested in certain Admiralty Courts.

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The same powers may be exercised by Chief Criminal Court in any Indian Port where there is no Admiralty Court.

exercised by the Principal Court of ordinary Criminal jurisdiction at any Port in India where there is no Court having Admiralty jurisdiction.

Construction.

IV. This Act shall be taken and read as part of the said Act I of 1859.

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## ACT No. XXIX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 7th September 1861.)*

*An Act to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.*

Preamble. WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army; It is hereby enacted as follows:—

I. Act XXIII of 1839 (for authorizing sentences of imprisonment with or without hard labor by Courts Martial in certain cases), Act II of 1840 (for regulating the execution of sentences passed by Courts Martial in certain cases), Act XXVIII of 1841 (for extending Act XXIII of 1839 to Camp Followers), Act XIX of 1847 (to make certain amendments in the Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company), Act VI of 1850 (for enabling the Commander-in-Chief to pardon Military Offences), Act XXXVI of 1850 (to amend Article CXIII of the Native Army), Act III of 1854 (to amend the 38th Article of War for the Native Army), Act X of 1856 (to repeal the 122nd Article of War for the Native Army and to substitute a new Article in lieu thereof), Act VIII of 1857 (to amend Act XIX of 1847), Act XXXII of 1857 (to amend the Articles of War for the Native Army), and Act VI of 1860 (to amend Act

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XIX of 1847), shall be repealed from the day on which this Act shall come into operation, except in so far as they repeal any other Act or Acts.

II. The following Articles of War shall, from the day appointed for them to come into operation, be the Articles of War for the government of the Native Officers and Soldiers in the Military Service of Her Majesty, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided that all crimes and offences committed against the Articles of War contained in any Act repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act ; and that every Warrant for holding any Court Martial under the Articles of War provided by any Act repealed by this Act shall remain in full force notwithstanding the repeal of such Act, and that no proceedings of a Court Martial upon any trial begun under any Articles so repealed shall be discontinued owing to the repeal of the same, but that every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

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ARTICLES OF WAR.

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CHAPTER I.

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*Of Enlisting and Discharges.*

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ARTICLE 1.

Every Recruit, prior to being enrolled in any Regiment or Corps, shall have the 5th, 6th, 7th, and 8th, and 48th of these Articles of War read and explained to him. When reported fit for duty in the ranks, any usual declaration or charge shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Officers and Soldiers ; and the Recruit shall then, in front of the guns or colors, or, if attached to the Corps of Sappers and Miners, in front



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front of such portion of the Corps as shall be present, make the subjoined affirmation:

" I, \_\_\_\_\_, solemnly affirm in the presence of Almighty God, that I will be faithful to Her Majesty the Queen, and will go wherever I am ordered by land or sea, and will obey all commands of the Officers set over me, and will defend these guns (or colors) with my life."

In the case of a Sapper and Miner, the words "and defend these guns (or colors) with my life," shall be omitted.

ARTICLE 2.

No Commissioned Officer shall be dismissed, except by the sentence of a General Court Martial; but the Governor-General of India in Council, or the Governor in Council, or the Commander-in-Chief of the Presidency to which a Commissioned Officer belongs, shall have power to order his discharge. Every such dismissal or discharge of a Commissioned Officer shall involve forfeiture of all claim to pension.

ARTICLE 3.

A Non-Commissioned Officer or Soldier shall be liable to dismissal or discharge by order of the Governor-General of India in Council, or of the Governor in Council, or the Commander-in-Chief of the Presidency to which he belongs,

The Commanding Officer of a Regiment or Corps shall have power to dismiss or discharge any Soldier below the rank of a Non-Commissioned Officer; and to dismiss, discharge, or reduce to the ranks any Non-Commissioned Officer belonging to such Regiment or Corps.

Every such dismissal or discharge shall involve forfeiture of claim to pension.

No Non-Commissioned Officer shall be reduced to the ranks for any stated period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer.

Every

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Every Non-Commissioned Officer or Soldier discharged the service shall  
Certificate of dis- be furnished by the Commanding Officer of the Regi-  
charge. ment or Corps to which he belonged with a discharge  
Certificate in the Vernacular language of such Non-Commissioned Officer or  
Soldier. Such Certificate shall express the authority for, and cause of, the  
discharge, and the period of the entire service in the Army of such Non-  
Commissioned Officer or Soldier, and shall be accompanied with an English  
translation.

ARTICLE 4.

No Non-Commissioned Officer or Soldier, until he shall have received his  
discharge from the Regiment or Corps to which he  
Re-enlisting. belongs, shall enlist in any other Regiment or Corps;  
and any Non-Commissioned Officer or Soldier who shall so enlist, shall be  
considered a deserter, and shall suffer punishment accordingly.

Any Non-Commissioned Officer or Soldier who shall have been dis-  
missed or discharged from any Regiment or Corps, and shall enlist in any  
other Regiment or Corps, without at the time of such enlistment stating  
the fact of his dismissal or discharge, or showing his discharge certificate,  
may be dismissed the service by the Officer Commanding the Regiment or  
Corps in which he has enlisted.

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CHAPTER II.

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*Crimes and Punishments.*

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*Crimes punishable by General Court Martial.*

ARTICLE 5.

Any Officer or Soldier—

Who shall begin, excite, cause, or join in any mutiny or sedition in the  
Regiment or Corps to which he belongs, or in any other  
Mutiny and sedition. Regiment or Corps, on any pretence whatever; or who,  
being

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being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same ; or who, coming to the knowledge of any mutiny, intended mutiny, or combination against the State, shall not give immediate information thereof to his Commanding Officer ;—or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence against him, whether on or off duty, and under any circumstances in which his Superior Officer may be distinguishable as such in any manner ;—or

Striking Superior Officer, &c.

ARTICLE 7.

Who shall disobey any lawful command of his Superior Officer ;—or

Disobeying Superior Officer.

ARTICLE 8.

Who shall desert from Her Majesty's Service, whether he shall have re-enlisted or not ;—or

Desertion.

ARTICLE 9.

Who, being a sentry, in time of war or alarm, shall sleep upon his post ; or shall quit his post without being regularly relieved, or without leave ; or shall plunder or injure the property placed under his charge ;—or

Sentry in time of war or alarm, sleeping upon or deserting his post, &c.

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend ; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard ;—or

Abandoning Garrison, or Post, &c.

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ARTICLE 11.

Who shall treacherously make known the watchword to any person  
Making known watch- not entitled to receive it according to the rules and  
word. discipline of war ;—or

ARTICLE 12.

Who shall, directly or indirectly, hold correspondence with or communicate  
Communicating with the intelligence to the enemy, or to any person in arms  
enemy. against the State, or who, coming to the knowledge of  
such correspondence or communication, shall omit to discover it immediately to  
his Commanding Officer ;—or

ARTICLE 13.

Who shall, directly or indirectly, assist or relieve the enemy, or any  
Assisting or protecting person in arms against the State, with money, victuals,  
enemies. or ammunition, or in any other way ; or shall knowingly  
harbour or protect any enemy or person in arms against the State ;—or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of  
Releasing or conniving any enemy or person in arms against the State, placed  
at the escape of an enemy. as a prisoner under his charge ;—or

ARTICLE 15.

Who shall, in the presence of an enemy or any person in arms against  
Misbehaviour before the whom it is his duty to act, misbehave or use means to  
enemy. induce any other person so to misbehave ;—or

ARTICLE 16.

Who shall, in presence of an enemy, or of any person in arms against  
Casting away arms, &c., whom it is his duty to act, shamefully cast away his  
in presence of an enemy. arms or ammunition ;—or

ARTICLE 17.

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ARTICLE 17.

Who shall, in time of action, leave his Commanding Officer, or his Post, or Colors, or Party, to go in search of plunder;—or

ARTICLE 18.

Who shall, in time of war, do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Force with which he is serving; or shall force a safe-guard; or shall break into any house or other place for or shall plunder any field or garden or other property;—or

ARTICLE 19.

Who shall, in time of war, by discharging any fire-arms, drawing a sword, beating a drum, making any signal, using any word, or by any means whatever, intentionally occasion arm in action, camp, garrison, or quarters;—or

ARTICLE 20.

Who shall, without proper authority, release any State prisoner, or shall, through carelessness, or neglect, suffer any such prisoner to escape; or shall connive at the plunder or injury of any property in time of war, or the plunder or injury of any magazine or dock-yard, by the sentry or guard in charge such property, treasure, magazine, or dock-yard is placed;—or

ARTICLE 21.

Who, being a sentry placed over any State prisoner, or over any treasure, or over any magazine or dock-yard, shall quit his post without being regularly relieved, or without leave, or

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or shall sleep upon his post ; or shall plunder or injure any property placed under his charge ;—

Shall, on conviction —

If an Officer, suffer death ; or transportation for life, or for a period not less than seven years ; or such other punishment as a General Court Martial is by these Articles empowered to award :—

If a Soldier, suffer death ; or transportation for life, or for a period not less than seven years ; or imprisonment, with or without hard labor, for a period which may extend to fourteen years, and may be with or without solitary confinement ; or such other punishment as a General Court Martial is by these Articles empowered to award.

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*Embezzlement, punishable by General Court Martial.*

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ARTICLE 22.

Any Officer or Soldier—

Who shall embezzle or fraudulently misapply any money entrusted to him on the Public account, or for any Military purpose ; or any provisions, forage, arms, clothing, ammunition, or Military stores, of whatever kind or description, the property of Government, entrusted to his charge ; or shall be concerned in or connive at any such embezzlement or fraudulent misapplication ;—or

Who shall wilfully injure any property of Government entrusted to him on the Public account, or for any Military purpose, or shall suffer such property to be injured ;—

Shall

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Punishment. Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of pay and allowances; and be further liable to suffer imprisonment with or without hard labor for a term which may extend to three years, and may be with or without solitary confinement.

*Crimes punishable by General or other Courts Martial, with any sentence which, by these Articles of War, any General or other Court Martial respectively is empowered to award.*

ARTICLE 23.

Any Officer—

Officers themselves. misbehaving (the fact or facts whereon the charge is grounded being clearly specified therein);—or

ARTICLE 24.

Any Officer or Soldier—

Spreading reports calculated to create alarm. Who shall, in any operation in the field, spread any report, by any word or letter calculated to create unnecessary alarm in the troops, or in the vicinity, or in rear of the army;—or

ARTICLE 25.

Using words tending to create alarm.

Who shall, in action or previously to going into action, use any word tending to create alarm or despondency;—or

ARTICLE 26.

Being drunk.

Who shall be drunk when on or for Duty, or on Parade, or on the Line of march;—or

ARTICLE 27.

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ARTICLE 27.

Who shall strike or force any sentry ;— or  
Striking a Sentry.

ARTICLE 28.

Who shall advise or persuade any other Officer or Soldier to desert, or  
Advising or persuad- who shall connive at such desertion ; or who shall  
ing desertion, &c. knowingly receive and entertain any deserter, or who  
knowing of any other Officer or Soldier having deserted, or knowing of any  
deserter having been received or entertained by any other Officer or Soldier,  
shall not immediately give notice to his own Superior Officer, or do his best to  
cause such deserter to be apprehended by the Civil power ; — or

ARTICLE 29.

Who shall obtain, or attempt to obtain for himself, or for any other  
Obtaining pension by Officer or Soldier, or for any other person whatsoever,  
false statement. any pension or allowance, by any false statement, cer-  
tificate, or document, or by the omission of any true statement, certificate,  
or document ; — or

ARTICLE 30.

Who shall knowingly make a false return or report to any Officer autho-  
Making false return to rized to call for a return or report of the state of the  
Superior Officer. men under his command, or of any arms, ammunition,  
clothing, or other stores belonging to such men, or of which he has charge ;  
— or

ARTICLE 31.

Who, at any post, or on the march, shall unlawfully extort any money  
Extortion. or property of any description as a fee or duty, or on any  
pretence whatever ; or shall, without authority, exact from  
any villager, or any other person, any carriage, portorage, or provisions ; — or

ARTICLE 32.



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ARTICLE 32.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of any person ; — or

Defiling place of religious worship.

ARTICLE 33.

Who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by proper authority ; — or

Breaking arrest or confinement.

ARTICLE 34.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property ; — or

Committing waste, &c.

ARTICLE 35.

Who shall knowingly enlist a deserter, or connive at his enlistment ; — or

Enlisting a deserter.

ARTICLE 36.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for, procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier ; — or

Demanding or accepting bribes.

ARTICLE 37.

Who, being in command of any post, or on the march, shall not, on complaint made to him of any one under his command beating or otherwise ill-treating any person, or extorting from such person more than he is obliged to furnish, or disturbing any fair or market, or committing any kind of riot, see reparation done to the person injured ; or, if that be impracticable, report the same to his Superior Officer ; — or

Those in command of post, &c., not seeing reparation done to injured parties, &c.

ARTICLE 38.

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ARTICLE 38.

Who, being in command of a guard, shall refuse to receive any prisoner duly committed to his charge ; or shall, without proper authority, release any prisoner ; or shall suffer, through carelessness or neglect, any prisoner to escape ; -- or

Those in command of guard refusing to receive prisoners, &c.

ARTICLE 39.

Who, in time of peace, shall quit his guard or picquet without being regularly relieved or without leave ; — or

Quitting guard or picquet in time of peace.

ARTICLE 40.

Who shall impede a Provost Marshal or an Assistant of a Provost Marshal, or any person lawfully exercising authority ; or refuse when called upon to assist him when requiring his aid in the execution of his duty ; — or

Impeding Provost Marshal, &c.

ARTICLE 41.

Who, being on leave of absence, and having received information from the Commanding Officer of his Regiment or Corps, or from other proper authority, that his Regiment or Corps has been ordered on service, shall not rejoin without delay ; — or

Those on leave of absence neglecting to rejoin their Regiment when ordered on service.

ARTICLE 42.

Who shall, in time of peace, by discharging any fire-arms, drawing a sword, beating a drum, or by any other means whatever, intentionally occasion a false alarm in camp, garrison, or cantonment ; — or

False alarm in camp in time of peace.

ARTICLE 43.

Who shall, without sufficient cause, fail to repair, at the time fixed, to the parade, or place appointed for exercise or duty ; — or

Failure to attend parade, &c.

ARTICLE 44.

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ARTICLE 44.

Quitting company or  
parade without leave. Who shall, without urgent necessity, or without  
leave of his Superior Officer, quit his company, or troop,  
or the parade ;—or

ARTICLE 45.

Absence without leave,  
&c. Who shall absent himself without leave ; or shall, without sufficient  
cause, overstay the period for which leave may have been  
granted him ;—or

ARTICLE 46.

Any Officer or Non-Commissioned Officer—

Striking or ill-treating  
a Soldier. Who shall strike or otherwise ill-treat any Soldier ;  
—or

ARTICLE 47.

Any Soldier—

Insubordination. Who shall be grossly insubordinate or insolent to  
his Superior Officer in the execution of his office ;—or

ARTICLE 48.

Refusal to assist in mak-  
ing field or other works. Who shall refuse to assist in the making of any field work, or  
other Military work of any description ordered to be  
made, either in quarters or in the field ;—or

ARTICLE 49.

Going armed contrary  
to orders. Who, when off duty, shall, contrary to orders, appear in or about camp  
or cantonments, or on occasion of going to or returning  
from, or in or about any town or bazar, carrying a sword  
bludgeon, or other weapon ;—or

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Article 50.

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ARTICLE 50.

Who shall sell, pawn, or designedly or through neglect lose or injure his horse, arms, clothes, accoutrements, or Regimental necessities; or any such articles entrusted or belonging to any other Soldier; or who shall make away with or pawn any medal or decoration granted to him by order of Her Majesty or of the East India Company, or by order of the Government, for service in the field or for general good conduct;—or

Pawning, losing, or injuring horse, arms, accoutrements, &c.

ARTICLE 51.

Who, being a Sentry, in time of peace, shall sleep upon his post; or shall leave it before being regularly relieved or without leave;—or

Sentry in time of peace sleeping upon post, &c.

ARTICLE 52.

Who, contrary to orders, shall be found 2 miles from the camp;—or

Soldier found 2 miles from camp contrary to orders.

ARTICLE 53.

Who, contrary to orders, shall be absent from his cantonment after tattoo, or from camp after retreat beating;—or \*

Absence from cantonment, &c.

ARTICLE 54.

Who shall sell, lose, or designedly, or through neglect, waste any ammunition delivered out to him;—  
Shall, on conviction before a General or other Court Martial, be sentenced to suffer such punishment as such Court Martial is by these Articles empowered to award.

Selling, losing, or wasting ammunition.

Punishment.

*Disgraceful*

ACT No. XXIX of 1861.

*Disgraceful Conduct ; punishable by General or District Court Martial, with Corporal punishment, or Imprisonment with or without hard labor and solitary confinement, and in addition with Forfeiture of additional Pay and of Pension on Discharge, and Stoppages, of Non-commissioned Officers and Soldiers.*

ARTICLE 55.

Disgraceful conduct. Any Soldier who shall be guilty of disgraceful conduct :—

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such other Soldier unfit for the service, or with intent to take his own life ;—or

Wilfully maiming or injuring himself or other Soldier.

ARTICLE 56.

In malingering, feigning, or intentionally producing any disease or infirmity ; or intentionally delaying his cure ; or intentionally aggravating his disease or infirmity ;—or

Malingering, &c.

ARTICLE 57.

In purloining or selling any Government stores ; —or

Stealing or selling Government stores.

ARTICLE 58.

In stealing any money or goods, the property of any Officer or Soldier, or of any Military Mess, or of any person belonging to or serving with or attached to the Army ;—or

Stealing property of Soldiers and others.

ARTICLE 59.

In plundering or injuring any property placed under his charge as sentry, or in charge of his guard, or in conniving at the plunder or injury of any such property ; —or

Plundering property under his charge as sentry, &c.

ARTICLE 60.

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ARTICLE 60.

Embezzling public money. In embezzling or fraudulently misapplying any public money entrusted to him for any Military purpose ;—or

ARTICLE 61.

Fraud or dishonesty. In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military ;—or

ARTICLE 62.

Cruelty, indecency, &c. Who shall be guilty of any other disgraceful conduct, of a cruel, indecent, or unnatural kind ;—

Punishments. Shall, on conviction before a General or District or Garrison Court Martial, be liable to such punishment as such Court Martial is by these Articles of War empowered to award for disgraceful conduct.

Every offender so convicted, if not dismissed the service, shall, by sentence of the Court, be put under stoppages not exceeding half of his monthly pay and allowances, until the amount of any loss or damage arising out of his misconduct be made good.

If such offender be dismissed the service, he shall further be sentenced to forfeit any arrears of pay and allowances due at the time of his dismissal, towards making good any loss or damage arising out of his misconduct ; or to forfeit any portion of such arrears that may be required to make good such loss or damage.

A copy of every sentence of dismissal for disgraceful conduct passed by any Court Martial shall, after its confirmation, be transmitted by the Adjutant General of the Army to the Chief Civil Officer of the district wherein the village or other place to which the offender belongs is situated ; and such Chief Civil Officer

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Officer shall thereupon publish such sentence by affixing a copy thereof in the village or place, or otherwise as may be usual in the locality.

*Crimes incident to Courts Martial, punishable by General or other Court Martial according to the nature and degree of the offence.*

ARTICLE 63.

Any person amenable to these Articles of War, who shall, when duly summoned to attend as a witness before a Court Martial, neglect to attend, or shall refuse to be sworn, or to make affirmation, or to answer any question, or who shall instigate any other person so to offend;

Refusal of a person amenable to Articles of War to attend Court Martial or to be sworn, &c.

Shall, on conviction, be sentenced by the same, or another Court Martial, to such punishment as any such Court Martial is by these Articles empowered to award.

ARTICLE 64.

Any person not amenable to these Articles of War, who shall, when duly summoned to attend as a witness before a Court Martial, refuse or neglect to attend; or shall refuse to be sworn, or to make affirmation, or to answer any question; or who shall, when he has been duly sworn, or has solemnly affirmed that he will speak the truth, make any statement which is false, and which he either knows or believes to be false, or does not believe to be true; or who shall instigate any other person so to offend;

Refusal of a person not amenable to Articles of War to attend Court Martial, or to be sworn, &c.

Shall be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before a Criminal Court.

ARTICLE 65.

Any person using any menacing or disrespectful word, sign, or gesture, in the presence of a Court Martial then sitting; or causing any disorder or riot so as to disturb the proceedings

Contempt of Court.

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ings of such Court Martial; or being grossly insubordinate or violent in the presence of a Court Martial ;

Shall, if amenable to these Articles of War, be punished, according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial; and if not amenable to these Articles of War, be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before a Criminal Court.

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*The offence of giving false evidence, punishable by General or District Court Martial, with dismissal and fine or imprisonment.*

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ARTICLE 66.

Any Officer or Soldier—

Who shall give false evidence as defined in Article 64 before any General or other Court Martial, or any Military Court entitled to take evidence on oath or affirmation ; or who shall instigate any other person so to offend ;

Perjury.

Shall, on conviction before a General, District, or Garrison Court Martial, be dismissed the service; and shall further be sentenced to forfeit any arrears of pay and allowances due at the time of his dismissal, and may be sentenced to imprisonment with or without hard labor for a term which may extend to three years.

ARTICLE 67.

When the Officer Commanding a Regiment or Corps considers that Crimes admitting of any Soldier under his command, who is charged with less serious notice. any offence declared by the foregoing Articles to be triable by a District or Garrison Court Martial, should be tried by a Regimental Court Martial, he may order the offender to be tried by such Court Martial, and shall report the case to the Officer Commanding the Division, stating the reason for such order.

When



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When the Officer Commanding a Regiment or Corps considers that any Soldier under his Command, who is charged with any offence declared by the foregoing Articles to be triable by a General Court Martial, should be tried by a District or Garrison or Regimental Court Martial, such Commanding Officer may lay a statement of the case before the General or other Officer having authority to convene General Courts Martial, under whose command the offender may be serving, with an application for permission to try the offender by District or Garrison or Regimental Court Martial, and such General or other Officer shall comply with or refuse such application at his discretion. The order of such General or other Officer, when the application is complied with, shall be entered upon the proceedings at the trial of such offender.

Provided that mutiny shall not be considered one of the offences admitting of such discretionary investigation.

ARTICLE 68.

For any offence committed on the line of march, or on board any ship or other vessel, the Officer in command of the Troops may try any Soldier by a Regimental or Detachment Court Martial, and may confirm and execute on the spot any sentence that may be passed.

Offences on the line of march or on board vessels.

Provided that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award ;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief of the Presidency to which such Troops belong, and to the Commander-in-Chief of the Presidency within which such troops shall be serving or to which they are proceeding.

ARTICLE 69.

Any crime not punishable with death, and any disorder or neglect of which any Officer or Soldier is guilty, to the prejudice of Good Order and Military Discipline, may, though not specified in these Articles, be taken cognizance of by Courts Martial, and punished

Crimes not specified.

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punished, according to the nature and degree of the offence, by the sentence of a General, or District, or Garrison, or Regimental Court Martial.

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CHAPTER III.

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*Administration of Justice.*

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ARTICLE 70.

Whenever any Officer or Soldier is accused of any crime which the Commanding Officer of such Officer or Soldier considers should be tried by Court Martial, such Commanding Officer shall order the accused, if he be an Officer or Non-Commissioned Officer, to be put under arrest, or if a Soldier, to be confined until he can be tried by a Court Martial, or discharged by proper authority. No such Officer or Soldier shall be detained in arrest or confinement longer than is avoidable.

Arrest or confinement.

When, in consequence of any resistance, or, from any other circumstance, such arrest or confinement is impracticable, the offender shall be liable to trial and punishment at any subsequent period within the limitations provided in these Articles of War.

Resistance to arrest.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against the Articles of War, which shall appear to have been committed more than three years previous to the order directing the assembly of the Court Martial whereby he is being, or is to be tried, unless it shall appear that the person accused, by reason of his absenting himself, or some other manifest impediment, could not be brought to trial within that period; in which case such person shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

Limitation of time.

ARTICLE 72.

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ARTICLE 72.

Any person amenable to these Articles of War, who commits any offence against them, may be tried and punished for such offence in any place where he is, in the same manner as if the offence had been committed in such place.

Offenders may be tried elsewhere than where the offence was committed.

ARTICLE 73.

The Commander-in-Chief of the Presidency may appoint a General or other Court Martial, and may confirm, and mitigate, or commute or remit the sentence of such Court. He may issue his warrant to any General or other Officer under his command having the command of any body of troops in the service of Her Majesty, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of any offence committed by any Officer or Soldier or follower in the service of Her Majesty, not being a European British subject of Her Majesty; and to confirm and mitigate, or commute or remit the sentence of any such Court Martial. No sentence, including forfeiture of additional pay, or of claim to pension on discharge, or of any prospective advantage, shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs. The Commander-in-Chief may remit any forfeiture awarded, and may order the restoration of any advantage of which the offender has been deprived by such forfeiture.

Powers of the Commander-in-Chief to appoint Courts Martial.

ARTICLE 74.

Whenever any Native Troops subject to these Articles of War are not attached to the forces of any Presidency, the Governor-General of India in Council shall authorize the Commander-in-Chief of any Presidency to issue his warrant to the General or other Officer having the Command of such troops to appoint Courts Martial in conformity with this Act.

Appointment of Courts Martial for trial of Troops not attached to any Presidency.

*Composition of Courts Martial.*

ARTICLE 75.

Except as hereinafter provided, a General Court Martial shall not consist of less than thirteen Commissioned Officers, unless it be held out of the British Territories in India. When a Court

Constitution of General Court Martial.

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Court Martial is held out of the British Territories in India, it may consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled. No sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief of the Presidency or to some other person duly authorized to confirm the same, and until the directions of such Commander-in-Chief or other person as aforesaid shall have been signified thereupon.

ARTICLE 76.

A District or Garrison Court Martial shall consist of not less than seven Commissioned Officers when that number can be conveniently assembled. When that number cannot be conveniently assembled, such Court may consist of not less than five Commissioned Officers.

Constitution of District or Garrison Court Martial.

A District or Garrison Court Martial may be composed of Officers of the same Regiment or Corps as the accused, or of any other Regiment or Corps.

The sentence of a District or Garrison Court Martial shall be subject to confirmation by the Commander-in-Chief of the Presidency, or by some Officer duly authorized to confirm the same.

ARTICLE 77.

A Regimental Court Martial shall consist of not less than five Commissioned Officers when such number can be assembled. When such number cannot be assembled, such Court may consist of three Commissioned Officers. Such Court shall be assembled by order of the Officer Commanding the Regiment. No sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Such Commanding Officer shall have power to remit all sentences whatever passed by such Court, and to cause the offender to be released and to return to his duty.

Constitution of Regimental Court Martial.

*Powers*

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*Powers of Court Martial.*

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ARTICLE 78.

A General Court Martial may sentence—for any crime which by these Articles is made liable to such sentence—any Officer to death or to transportation for life, or for any period not less than seven years, or in cases falling under Article 22 or Article 66, to imprisonment with or without hard labor for any period not exceeding three years, and with or without solitary confinement ; or may sentence any Soldier to death ; or to transportation for life, or for any period not less than seven years, or to imprisonment for any period not exceeding fourteen years, for any crimes which are by these Articles of War expressly made liable to any such sentence, and for such crimes only. No Court Martial inferior to a General Court Martial shall have power to pass a sentence of death or transportation or imprisonment for any longer period than three years.

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*Punishments of Commissioned Officers.*

A General Court Martial may sentence a Commissioned Officer to be dismissed the service ; or to be suspended from rank and pay and allowances for a stated period ; or to be placed one or more steps lower in the list of his rank, by an alteration of the date of his Commission, and such Officer shall lose the corresponding benefit of length of service.

No Court Martial inferior to a General Court Martial shall have power to try a Commissioned Officer.

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*Punishments of Non-Commissioned Officers and Soldiers.*

A General or District or Garrison or Regimental Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks ;—or may sentence a Non-Commissioned Officer or Soldier to be dismissed the service ;—or to be placed

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placed one or more steps lower in the list of the rank which he holds, whereby such Non-Commissioned Officer or Soldier shall lose the benefit of the corresponding length of service;—or to suffer corporal punishment not exceeding fifty lashes;—or to imprisonment, which may be with or without hard labor; and which may include solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement.

No Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of the Commanding Officer of the Regiment or Corps to which such Soldier belongs.

No sentence of imprisonment shall be awardable by a General Court Martial for any period exceeding two years (except when otherwise expressly provided); nor by a District or Garrison Court Martial for any period exceeding one year; nor by a Regimental Court Martial for any period exceeding six calendar months.

No Non-Commissioned Officer shall be sentenced to imprisonment or corporal punishment without being first reduced to the ranks.

*Punishment for "Disgraceful Conduct."*

A General or District or Garrison Court Martial may, in addition to  
Forfeiture of pay or pension in addition to Corporal punishment or imprisonment. corporal punishment or to imprisonment, sentence a Soldier convicted of disgraceful conduct to forfeiture of all advantage as to additional pay and claim to pension on discharge, which otherwise might have accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it may have accrued from past service, or might accrue from future service.

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No Soldier shall be tried for disgraceful conduct by any Court Martial inferior to a District or Garrison Court Martial.

A Court Martial may, in addition to any punishment involving dismissal or discharge, sentence any Officer or Soldier whom it is authorized to try, to forfeiture of arrears of pay and allowances due at the time of dismissal or discharge, or of such portion thereof as may be required to make good any loss or damage arising out of his misconduct. A Court Martial, in addition to any punishment not involving dismissal or discharge, may sentence any Officer or Soldier to be put under stoppages not exceeding, in the case of an Officer, two-thirds of his pay and allowances, and in the case of a Non-Commissioned Officer or Soldier, one-half of his pay and allowances, until any loss or damage arising out of his misconduct be made good.

Every Soldier subjected to confinement in the Quarter Guard, or Defaulter's Room, or in a Solitary Cell, or in any other place of imprisonment, shall forfeit all claim to pay and allowances during such confinement, and shall be entitled to receive subsistence only according to the rates laid down in the Regulations.

ARTICLE 79.

Whenever sentence shall be passed by a Court Martial on an offender already under sentence of imprisonment, such Court may award sentence of imprisonment to commence at the expiration of the imprisonment to which the offender shall have been so previously sentenced, although the aggregate of the terms of imprisonment may exceed the term for which imprisonment could otherwise be awarded by such Court Martial.

*Confirmation and Commutation of Sentences.*

ARTICLE 80.

When a sentence of death shall have been awarded by a General Court Martial, the Commander-in-Chief of the Presidency may confirm such sentence, and cause it to be carried into

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into effect; or may in lieu thereof order the offender, if an Officer, to be transported for life, or for a term not less than seven years: or to be imprisoned for any period not exceeding fourteen years; or if a Soldier, to be transported for life, or for a term not less than seven years, or to be imprisoned with or without hard labor, and with or without solitary confinement, for any period not exceeding fourteen years.

In cases wherein a sentence of transportation has been awarded by a General Court Martial, the Commander-in-Chief of the Presidency may, in lieu thereof, order the offender, if an Officer, to be imprisoned for any period not exceeding fourteen years; or if a Soldier, to be imprisoned with or without hard labor and with or without solitary confinement for any period not exceeding fourteen years. Provided that in any such case, if the sentence of transportation be for any less period than fourteen years, the imprisonment in commutation shall not be for a longer period.

In lieu of a sentence of dismissal, in the case of an Officer, the Commander-in-Chief of the Presidency may order the offender to be suspended from rank and pay and allowances for a stated period.

Any Officer having authority to confirm the sentence of a Court Martial, may commute a sentence of corporal punishment, to dismissal from the service, or to imprisonment without hard labor, and with or without solitary confinement, for any period not exceeding one year, for which such Court might have sentenced the offender for the offence;—or may commute a sentence of imprisonment with hard labor to imprisonment without hard labor, with or without solitary confinement, for the same or for a less period—or to dismissal from the service.

Any Officer having authority to confirm the sentence of a Court Martial, may, in commutation of a sentence on a Non-Commissioned Officer, of corporal punishment, or imprisonment, or of dismissal, direct that such Non-Commissioned



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sioned Officer be reduced to the ranks, or placed lower, in the list of the rank which he holds, whereby such Non-Commissioned Officer shall lose the corresponding benefit of length of service.

ARTICLE 81.

The Commanding Officer for the time being of any Regiment or Corps may summarily try any offence against these Articles of War committed by any person subject to these Articles (not being a Commissioned Officer,) and, on conviction, may sentence the offender and carry out such sentence without confirmation or any further authority; provided that such sentence shall not exceed the sentence which a District or Garrison Court Martial might pass.

Powers of Commanding Officers of Native Regiments in punishing offences committed by Non-Commissioned Officers and Soldiers and Native Camp-Followers.

A Commanding Officer holding a trial under this Article shall be deemed a Court Martial, and the words "Court Martial" in these Articles of War shall be deemed to include a Commanding Officer holding a trial.

The proceedings on such trials by the Commanding Officer shall be conducted in the presence of two or more European or Native Commissioned Officers, and shall be recorded in the English language, and the evidence shall be taken on oath or affirmation, and interpreted by an interpreter upon affirmation. The Commanding Officer shall record the finding and sentence, and the proceedings shall then be signed by such Commanding Officer, and by the Officers in whose presence the trial is held, and shall, without delay, be forwarded to the Officer Commanding the Division, who is hereby authorized to set aside the trial for reasons based on the merits of the case, but not on any merely technical grounds. Every sentence so awarded by a Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.

ARTICLE 82.

An Officer Commanding a Detachment of his own Regiment or Corps may assemble a Regimental Detachment Court Martial;---and an Officer Commanding a Detachment consisting of men of different Regiments or Corps, may assemble

Powers of Officers Commanding Detachments, in punishing offences.

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assemble a Detachment or Line Court Martial. Every Court so assembled shall be constituted in the manner provided for a Regimental Court Martial under the provisions of these Articles of War, and shall have the like powers.

The provisions of these Articles of War, which relate to a Court Martial held in a Regiment or Corps, shall, in all practicable cases, be taken to apply to a Court Martial held in a Detachment.

No Officer on detached command of less than three troops or companies, or of a Detachment numerically equal to three troops or companies, and not being on the line of march or on board a ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the sentence shall have been confirmed by the Officer Commanding the Regiment or Corps to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment, who is hereby authorized to confirm every such sentence in like manner as an Officer Commanding a Regiment or Corps might do. Provided that in detached situations beyond the Sea or out of the British Territories in India, or when on service in the field, or in cases where an immediate example is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the service, the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment or Corps.

The Commanding Officer of such Detachment, and the Commanding Officer of any European Detachment to which native details of less strength than three troops or companies are attached; and any Commissary of Ordnance or other Officer in charge of any arsenal, ordnance establishment, or any camp equipage depôt, may summarily try any offence against these Articles of War, committed by any person under his command, who is subject to such Articles (not being a Commissioned Officer); and may on conviction sentence such offender, and carry out such sentence without confirmation or any further authority; provided that such sentence shall not exceed the powers of a Regimental Court Martial.

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Such Commanding Officer or other Officer holding a trial under this Article shall be deemed a Court Martial, and the words "Court Martial," in these Articles of War, shall be deemed to include such Commanding Officer or other Officer holding a trial.

The proceedings on such summary trial shall be conducted, so far as may be practicable, and shall be recorded, in the same manner as is provided in Article 81 for summary trials by an Officer Commanding a Regiment or Corps, and shall, in like manner, be signed and forwarded to the Officer Commanding the Division within which such Detachment shall be at the time, who is hereby authorized to set aside the trial for the same reasons that an Officer Commanding a Division is authorized by Article 81 to set aside a trial by an Officer Commanding a Regiment or Corps. Provided that every sentence so awarded by an Officer Commanding any such Detachment, or by any other Officer holding a trial under this Article, may be carried out without waiting for its approval by the reviewing Officer.

ARTICLE 83.

For light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill, restriction to barrack limits or within the lines of the Regiment or Camp, confinement in the Quarter Guard or Defaulters' Room or in a Solitary Cell, removal from Staff situations, or acting appointments; or may order any Soldier to be employed in piling and unpling shot, and in cleaning accoutrements of men in hospital. But none of these punishments shall be awarded by sentence of a Court Martial. Any Soldier, while undergoing punishment under this Article, shall be liable to be ordered to attend ordinary drill.

The Commander-in-Chief of the Presidency shall prescribe the periods not exceeding which offenders shall be liable to drill or confinement or restriction to local limits, as authorized by this Article.

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ARTICLE 48.

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ARTICLE 84.

For any offence in breach of the Rules and Regulations of any Cantonment, the Commanding Officer of such Cantonment may sentence the offender (provided he be not a European British subject or an Officer or Soldier), notwithstanding he is neither amenable to any Articles of War, nor under the Military command of such Commanding Officer, to pay a fine not exceeding fifty Rupees; and in default of payment of such fine, and in lieu thereof, to imprisonment for any period not exceeding thirty days, if the fine be not sooner paid; and the Officer in charge of any Jail, on the delivery to him of the person of the offender accompanied by a warrant under the hand of such Commanding Officer, shall give effect to such imprisonment.

Punishments for breach of Cantonment Regulations.

ARTICLE 85.

For any offence in breach of good order, a Commanding Officer of any Regiment, Corps, or Detachment, may sentence any follower of such Regiment, Corps, or Detachment under his command to imprisonment for any period not exceeding seven days; or, if the offender be not of a degree superior to that of a menial servant, to undergo Corporal punishment not exceeding twelve strokes of a rattan; or if the offender be of a degree superior to that of a menial servant, to fine not exceeding fifty Rupees, and in default of payment to imprisonment for a period of thirty days, if such fine be not sooner paid.

Punishment of offences committed by Camp followers.

*Execution of Sentences of Courts Martial.*

ARTICLE 86.

In awarding a sentence of death, a General Court Martial shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death,"

Sentence of Death.

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death," as the Court in their discretion shall deem expedient, and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 87.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, the offender shall be delivered over to the Officer in charge of the nearest Jail, and such Officer, in giving effect to the sentence, shall be guided by such order as he shall receive from the local Government.

Whenever any sentence of a Court Martial shall adjudge imprisonment with or without hard labor, or with solitary confinement or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Officer in charge of a Jail, to give effect to such sentence on the offender being delivered into his custody, with an authenticated copy of the sentence passed on the offender.

ARTICLE 88.

The Commander-in-Chief of the Presidency may, from time to time, direct that any person sentenced to imprisonment by a Court Martial, may be imprisoned in any public Jail or in any other fit place.

ARTICLE 89.

When any person subject to these Articles of War is confined in any public Jail or other place not under Military control under a sentence of imprisonment passed by a Court Martial, the local Government of the Presidency or place in which such place of confinement is situate, may order the removal of such person from such place of confinement to any other public Jail or other fit place of confinement within the

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the Territories of such local Government. The period for which such person is in custody during such removal shall be reckoned as part of the original period of imprisonment for which such person was sentenced. The Governor-General of India in Council may order the removal of any such person from any place of confinement in British India to any other place of confinement therein.

ARTICLE 90.

The Commander-in-Chief of any Presidency shall have power to pardon any person belonging to the Military Forces of such Presidency, who shall have been convicted by a Court Martial of any offence against the Articles of War, which offence, wherever committed, is not punishable otherwise than by sentence of a Court Martial. Instead of granting a full pardon to any such person, the Commander-in-Chief of the Presidency may remit any part of the punishment awarded for the offence.

Powers of Commander-in-Chief of a Presidency to pardon certain offenders.

In any such case the Commander-in-Chief of the Presidency shall, together with a copy of the warrant or other instrument under which the offender is kept in custody in execution of the sentence, issue a warrant under his own hand, setting forth the offence of which the offender has been convicted, and pardoning or remitting such part of the punishment awarded for such offence as to him shall seem fit.

The said warrant shall be countersigned by the Magistrate of the zillah or city in which the offender is undergoing his sentence; or, if he is confined in any prison within the limits of a Supreme Court of Judicature, shall be countersigned by a Judge of such Court; if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

Every Sheriff, Jailor, or other person having custody of any offender under sentence of a Court Martial, shall obey and give effect to any warrant of the Commander-in-Chief of the Presidency, duly countersigned as aforesaid,  
for

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for the pardon and release of any offender in his custody, or for the remission of any part of the sentence of any such offender.

ARTICLE 91.

Every Soldier sentenced under these Articles of War to imprisonment with hard labor for either a Military or Non-Military offence, shall be struck off the strength of the Regiment or Corps to which he belongs from the date of confirmation of such sentence; and no Soldier who has undergone such imprisonment for any period, shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 92.

Any Soldier sentenced for disgraceful conduct, to dismissal, or to corporal punishment, or to imprisonment with hard labor, shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 93.

In every case wherein a fine or forfeiture of arrears of pay, or stoppages, shall be adjudged by a Court Martial, any pay or public money due to the offender or that may become due to him, shall be available, with the sanction of the Commander-in-Chief of the Presidency for the payment of the amount so adjudged.

No Soldier sentenced to pay a fine, or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence, for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half his pay and allowances, nor be liable to be put under further stoppages

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stoppages while actually under stoppages to the amount of half of his pay and allowances.

ARTICLE 94.

Trials by Courts Martial may be carried on at any time without restriction.  
Time for trials by Courts Martial. The hour of original assembly of the Court shall be named by the Officer convening the Court, but the adjournment of the Court and the hour of its re-assembly shall be determined by the Court itself.

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*Forms of Proceeding.*

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ARTICLE 95.

Except as hereinafter provided, a Judge Advocate, or a European Officer of not less than ten years' service, shall be appointed to conduct the proceedings at every General Court Martial, and a European Officer of not less than four years' service, or any Adjutant of a Regiment where such Officer is available, shall be appointed to conduct the proceedings at all other Courts Martial.  
Judge Advocate.

ARTICLE 96.

An interpreter shall be appointed to every Court Martial. If no interpreter is available at the Station where the Court Martial sits, the Officer Commanding at such Station shall appoint any competent person under his command to perform the duty of interpreter. Where no interpreter or other competent person is available, the Superintending Officer at the Court Martial shall perform the duty of interpreter.  
Interpreter.

ARTICLE 97.

At every Court Martial the Senior Officer shall sit as President without being appointed by warrant. Rissaldar Majors and Subadar Majors are to take precedence according to the  
President.



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to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Rissaldar. Sirdar Bahadoors and Bahadoors are to take rank only according to their respective Commissions of Rissaldar Major, Subadar Major, Rissaldar, Subadar, or Jemadar. Rissaldars and Rissaidars are to take rank with Subadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the  
Death or absence of President. next Senior Member shall take the place of President, and the trial shall proceed, if the Court shall still consist of not less than the smallest number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 98.

No finding or sentence of a Court Martial shall be revised more than  
Revision of sentence. once, and no evidence shall be received on such revision except evidence relating to previous convictions and general character. For the purpose of such revision, the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number for each description of Court Martial directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

ARTICLE 99.

The Members of a Court Martial are to preserve order, and in giving  
Manner of voting. their votes upon all matters are to begin with the junior in rank. In all cases where a sentence of Death is not awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles. In case of an equality of votes, the decision shall be in favor of the prisoner. The President at a Court Martial shall vote with the other Members, and shall have no casting vote, except upon questions other than the finding and the sentence.

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ARTICLE 100.

No Court Martial shall pass a sentence of Death unless two-thirds of the Members present concur in such sentence, or four concur where the Court consist of five Members, or five concur where the Court consist of seven Members.

Sentence of death.

*Affirmations.*

ARTICLE 101.

On the assembly of a Court Martial, the Judge Advocate or European Superintending Officer shall administer to the interpreter the following affirmation :—

Interpreter's affirmation.

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of law.”

In case of the unavoidable absence of an interpreter, the European Superintending Officer of a Court Martial other than a General Court Martial shall make the affirmation prescribed for the interpreter.

Member's affirmation. The Judge Advocate or Superintending Officer shall then cause the following affirmation to be made by each Member :—

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favor, or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of War in the like cases; and that I will not divulge the sentence of the Court until it shall

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shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law."

Judge Advocate's Affirmation.

The following affirmation shall then be administered by the interpreter to the Judge Advocate or Superintending Officer :

" I, A. B., solemnly affirm in the presence of Almighty God, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority."

It shall be necessary to administer the foregoing affirmations on the commencement of every fresh trial before the same Court.

ARTICLE. 102.

Witness' oath or affirmation.

Every person who gives evidence at a Court Martial shall be examined on oath or affirmation where an affirmation is allowed.

The affirmation shall be to the following effect :—

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

If any person after making such affirmation shall wilfully and falsely state any matter or thing which amounts to the offence of giving false evidence as defined in Article 64, such person shall be subject to the same punishment as persons convicted of that offence.

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ARTICLE 103.

When any person required as a witness before a Court Martial is not amenable to Military Law, the Judge Advocate or Officer Commanding shall apply to the Magistrate within whose jurisdiction the witness resides to cause his attendance before such Court Martial. Such Magistrate shall issue his summons to such witness to attend before such Court Martial in the same manner as if the witness were required in the Court of such Magistrate.

Summoning witness not amenable to these Articles.

ARTICLE 104.

If any Officer or Soldier subject to these Articles of War shall have been illegally absent from his duty for the space of two months, a Regimental Court of Enquiry composed of three Commissioned Officers, of whom all may be European or all Native, or one or more may be European and one or more Native, shall forthwith assemble, and having received proof of the fact on oath or affirmation, shall declare such absence and the period thereof; and the Officer Commanding the Regiment or Corps shall record the declaration of such Court of Enquiry thereon in the Regimental Books: and if such Officer or Soldier shall not afterwards surrender or be apprehended, such record shall have the legal effect of a conviction for desertion. If such Officer or Soldier shall surrender or be apprehended after such record shall have been so entered, such record, or copy thereof, purporting to bear the signature of the Officer having the custody of the Regimental Books, shall, on the trial of such Officer or Soldier on a charge for desertion, be admissible in evidence of the facts therein recorded; and on proof of the identity of the prisoner with the Officer or Soldier therein mentioned, he may be found guilty of desertion.

Record in the Regimental Books of absence without leave and of the declaration of a Court of Enquiry thereon, to have the same effect as a conviction for desertion.

ARTICLE 105.

If, upon the trial of any Officer or Soldier for desertion, it shall be proved that such Officer or Soldier has been absent without leave, or has overstayed his leave, for the space of two months, such proof shall be deemed sufficient presumptive

Proof of absence without leave for two months to be sufficient presumptive evidence of desertion.

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presumptive evidence of the desertion of such Officer or Soldier, and shall be sufficient to convict him of the offence of desertion, unless he shall prove that such unauthorized absence was not wilful on his part, or shall otherwise rebut the presumption of desertion arising from proof of his absence without leave.

ARTICLE 106.

If upon the trial of such Officer or Soldier for desertion or for absence without leave, he shall state in his defence that his unauthorized absence was not wilful, or that he was detained in his village from sickness, or shall advance any other sufficient excuse for his absence, or any matter sufficient to rebut any presumptive evidence of desertion, and shall refer to any European, Civil or Military Officer of Government in support of his statement ; or if it shall appear to the Court Martial that the truth or falsehood of such statement may be ascertained by reference to any such Civil or Military Officer of Government, it shall be the duty of the Court to address such Civil or Military Officer on the subject, and to adjourn the proceedings until the reply of such Officer is received. The reply of such Officer, if favorable to the prisoner, shall be admissible in evidence, and have the same effect as if the statement had been made before the Court by such Officer in person on oath or affirmation, and proof of the handwriting of such Officer shall not be necessary. Should any Court before which a prisoner is being tried be dissolved prior to the receipt of the reply to any communication made under this Section to any Civil or Military Officer, a fresh Court may be ordered, and the trial shall be commenced anew before such Court.

Reference to Government Officer as to the truth of statement concerning cause of absence.

ARTICLE 107.

For the prompt and instant repression of irregularities and crimes which may be committed by troops in the field and on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency or the Officer Commanding the forces in the field, and the powers of such Provost Marshals shall be regulated according to the established usages of War and Rules of the service.

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The duties of the Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description ; to preserve good order and discipline ; and to prevent breaches of the same by Soldiers and followers of the Army. The Provost Marshal may punish on the spot, on the same day, any Soldier or follower who, in his view, or in the view of any of his assistants, shall commit any breach of good order and Military discipline : Provided that the punishment be limited to the necessity of the case, and accord with the orders which the Provost Marshal may, from time to time, receive from the Officer commanding the troops. If the Provost Marshal or any of his assistants shall not see the offender actually commit the crime, but sufficient proof can be obtained of the offender's guilt, a report shall be made to the Commander of the troops, who is empowered to deal with the case as he may deem most conducive to the maintenance of good order and Military discipline.

ARTICLE 108.

In any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War who is under orders for trial by a Court Martial, may, as of right, claim to be tried by European Officers. When such claim is made, the Court, whether a General, District, Garrison, or Regimental Court Martial, shall be composed of European Commissioned Officers, and the number of Members, and the proceedings shall be governed in all respects by the provisions of these Articles.

It shall be competent to the Governor General of India in Council by a General Order to extend the privilege of claiming to be tried by European Courts Martial to any Native Troops.

It shall further be competent to the Governor-General of India in Council, or to the Governor in Council of the Presidency, by an Order in Council, to direct that any Court Martial may be composed of European Commissioned Officers. The proceedings of such Courts Martial shall be regulated in every respect

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respect as directed in these Articles of War for Native Courts Martial, except that it shall not be necessary to appoint an Officer to conduct the proceedings of such Court Martial.

ARTICLE 109.

It shall be competent to the Governor-General of India in Council or the Governor in Council of any Presidency, from time to time, by an order in Council, to empower every General or other Officer having the Command of troops in the service of Her Majesty, or any such General or other Officer, to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of any Officers, Soldiers, or Followers, subject to these Articles of War, who may be charged with any offence punishable by the said Articles, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect, immediately or otherwise, any sentence of such Court Martial, or to commute, mitigate, or remit any such sentence; or if he shall deem it necessary, to refer any such sentence to the Commander-in-Chief of the Presidency for his orders.

Any General Court Martial, which may be appointed under the authority of this Article, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The order in Council may direct that a General Court Martial to be appointed under the provisions of this Article shall consist wholly of European Commissioned Officers or of Native Commissioned Officers; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court Martial appointed under the authority of this Article shall have all the powers of a General Court Martial specified in the 78th Article, and sentence of death, or other punishment to which the offender is liable by these Articles, may be awarded by such Court Martial, if a majority of the Members present concur in the sentence.

It shall not be necessary to appoint a Judge Advocate to conduct the proceedings of a European Court Martial under this Article.

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CHAPTER IV.

*Effects of the Dead.*

ARTICLE 110.

When any Officer or Soldier dies or is killed in the service, or any other person receiving public pay who is subject to these Articles of War in any department belonging to the Army dies or is killed in the field, the Officer Commanding the Regiment, Corps, or Detachment, or the Officer in charge of the department to which such Officer or Soldier or other person belongs, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken. A duplicate shall be lodged in the Office of the Adjutant, or Officer in charge of the department to which such Officer, Soldier, or other person belongs.

Commanding Officer to secure the effects of the dead and to direct an inventory to be taken.

ARTICLE 111.

If there be no heir or executor on the spot, the effects are to be publicly sold. The Officer Commanding the Regiment or Corps or Detachment, or the Officer in charge of the department to which the deceased Officer, Soldier, or other person belonged, after discharging the debts of the deceased, namely, the expense of funeral ceremonies, his debts in camp or quarters, and Regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the Regimental register, or in failure of such to the legal representative of the deceased; and in the event of no executor, heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the estate shall be remitted to the General Treasury at the Presidency.

Sale of effects.

ARTICLE 112.



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ARTICLE 112.

The effects of deserters are to be publicly sold, and the proceeds, after payment of Regimental debts, remitted by the Officer Commanding the Regiment or Corps to which the deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining in such Presidency.

Sale of deserter's effects.

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CHAPTER V.

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*Miscellaneous.*

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ARTICLE 113.

All powers and provisions contained in these Articles relating to a Commander-in-Chief shall, unless when otherwise provided, be construed to extend to the Officer Commanding the forces for the time being in any Presidency.

Construction of the Articles as regards a Commander-in-Chief.

ARTICLE 114.

All powers and provisions contained in these Articles relating to Soldiers shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

Construction of the Articles as regards Soldiers.

ARTICLE 115.

When any portion of the troops belonging to any Presidency shall be serving within the limits of any other Presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief or other Officer Commanding

Troops serving out of their own Presidency.

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Commanding the forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as if they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders serving within such Presidency. Provided that it shall be lawful for the Governor-General of India in Council, to direct that the troops, or any part thereof, of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-Chief or Officer Commanding the forces of the Presidency to which they belong for all the purposes of these Articles.

ARTICLE 116.

Any Officer Commanding any portion of Her Majesty's troops serving in any place out of Her Majesty's Territories, or out of the Territories of those States in alliance with Her Majesty in which Her Majesty's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such place by any person serving with, or belonging to, Her Majesty's Army, being under the immediate Command of such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding such Officer shall not have received any warrant empowering him to assemble Courts Martial; and every Court Martial so assembled shall have the same powers in regard to summoning and examining of witnesses, the trial of, and sentence upon such person, as are granted by these Articles to General Courts Martial. Provided that no sentence of any such Court Martial shall be executed until the Officer Commanding-in-Chief the force to which the person so convicted and sentenced belongs, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the Officer by whom the Court is convened is authorized to confirm, and commute, or mitigate, or remit the same; reporting the proceedings to the Officer Commanding-in-Chief.

ARTICLE 117.

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ARTICLE 117.

No person who shall have been acquitted or convicted by a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided that any person may be tried for the offence of murder, and punished for that offence, notwithstanding he may have been tried and punished for the act which caused death, if at the time of his conviction for the said act death shall not have resulted or shall not have been known by the Court which passed sentence to have resulted.

When any person subject to these Articles of War shall have been found guilty by a Court Martial of any Military offence, such Court Martial shall enquire into and receive evidence of any previous conviction of such person before a Court Martial or a Court of Justice, and shall enquire into the general character of such person, if a Soldier, for the purpose of apportioning the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty. But no such evidence shall, in any case, be received until the Court shall have ascertained that such person had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all persons previous to trial.

ARTICLE 118.

Any Officer or Soldier, who thinks himself wronged by his Superior or other Officer, is to complain thereof to the Officer Commanding his troop or company; and if his grievance be not redressed, may further complain to the Officer Commanding the Regiment or Corps to which he belongs, who is hereby required to examine into such complaint, or remit it to his Superior Authority, as the circumstances may require. If the complaint so preferred to the Commanding Officer should appear to be frivolous or groundless, the Officer or Soldier preferring it shall be liable to be punished according to the sentence of a General or other Court Martial; provided that such Officer or Soldier shall not on such account be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labor.

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ARTICLE 119.

Any Officer or Soldier, who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service. If such Officer or Soldier can then establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, that he resisted as long as he was able, that he did not serve with or assist the enemy, and that he returned as soon as possible to the service, he shall be entitled, after the finding of such Court Martial shall have been confirmed by the Commander-in-Chief of the Presidency, to receive either the whole or such portion of his arrears of pay and allowances as the local Government shall determine.

ARTICLE 120.

Every Officer or Soldier or follower in receipt of any public pay, who is imprisoned under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, if such imprisonment does not involve dismissal under Article 91, receive subsistence only, to the amount of his pay proper, according to the rates laid down in the Regulations.

ARTICLE 121.

When before the passing of these Articles of War any Court Martial or any Special Commissioner shall have sentenced any person subject to the Articles of War for the Native Army in force at the date of such sentence, to transportation for any term less than the term of his life, for an offence punishable under the Articles then in force with transportation for life, such sentence, to the extent of the punishment awarded thereby, shall be deemed as valid and effectual as if the offender had been sentenced to transportation for life.

ARTICLE 122.

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ARTICLE 122.

When before the passing of these Articles of War any Court Martial or any Special Commissioner shall have sentenced any person subject to the Articles of War for the Native Army in force at the date of such sentence to imprisonment with hard labor for an offence for which by the Articles of War then in force a sentence of simple imprisonment could lawfully be passed, such sentence shall be deemed valid and effectual; and all persons are hereby indemnified for any thing done in pursuance of such sentence.

ence of imprison-  
with hard labor passed  
offences punishable  
simple imprisonment  
corporal punishment,  
deemed valid.

ARTICLE 123.

When before the passing of these Articles of War any Officer Commanding a Regiment or Corps and exercising Magisterial powers, shall have sentenced to punishment any person subject to the Articles of War for the Native Army in force at the date of such sentence, such sentence shall be deemed valid, and shall be carried into effect, notwithstanding that such sentence was passed by such Officer in any part of the British Territories where he was not authorized to exercise such Magisterial powers. Provided that such sentence be one which it would have been within the competency of such Officer to pass within the Territories where he was authorized to exercise such powers.

tences passed by  
such Commanding Re-  
sents exercising Magis-  
powers, rendered

CHAPTER VI.

*Mode of dealing with offences not Military.*

ARTICLE 124.

When any Officer or Soldier, in any place within the jurisdiction of any Criminal Court established by Her Majesty or the Government of India or any local Government, is accused of any offence triable by such Court, he shall be delivered over to a Magistrate to be proceeded against according to law.

sons charged with  
as cognizable by the  
nal power to be de-  
livered over to the Magis-

All

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All Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

ARTICLE 125.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

In any place out of the British Territories in India, such offences, when committed by Officers or Soldiers, shall be cognizable by Courts Martial.

ARTICLE 126.

Offences cognizable by General Courts Martial.

General Courts Martial shall have cognizance of offences punishable with

Death ;

Transportation ;

Imprisonment for a period that may extend to seven years or to fourteen years.

ARTICLE 127.

District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years. District or Garrison Courts Martial shall also by special order of the Officer Commanding the forces have cognizance of offences of which a General Court Martial may take cognizance (not punishable with death or transportation for life), with power to sentence to imprisonment for any such offence for a period which may extend to three years.

Offences cognizable by District or Garrison Courts Martial.

ARTICLE 128.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order of the Officer Commanding the forces, of offences ordinarily cognizable by District or Garrison Courts Martial, with

Offences cognizable by Regimental, Detachment or Line Courts Martial.

power

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power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

*General Courts Martial.*

ARTICLE 129.

Any Officer or Soldier who shall be convicted by a General Court Martial of causing death, shall be deemed to have committed murder—  
Punishment of death.

*1st.* If the act by which death was caused, was done with the intention of causing death; or

*2nd.* If it was done with the intention of causing such bodily injury as the offender knew to be likely to cause the death of the person to whom the harm was caused; or

*3rd.* If it was done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted was sufficient in the ordinary course of nature to cause death; or

*4th.* If the person committing the act, knew that it was so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and if he committed such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Any Officer or Soldier convicted of murder shall be sentenced to be hanged by the neck till he is dead, or to transportation for life.

ARTICLE 130.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person endangering the life of such person; that is to say,—  
Offences punishable by imprisonment or transportation for life.

N

1st.

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1st. Breaking, or attempting to break, by day or night, into any dwelling-house, tent, boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal;

2nd. Robbery or attempt to rob ;

3rd. Stealing or attempting to steal in a house, or from the person—

Shall be sentenced by such General Court Martial to transportation for life, or for any period not less than seven years, or to imprisonment with hard labor for a period that may extend to fourteen years.

ARTICLE 131.

Any Officer or Soldier who shall be convicted by Robbery, &c., accompanied with wounding, &c. not endangering life. a General Court Martial—

Of any offence specified in Clauses 1, 2, and 3 of the last Article, accompanied with wounding or other corporal injury to any person not endangering the life of such person ;—or

ARTICLE 132.

Of robbery by open violence, or dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or Robbery by open violence or dacoity. in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery ; — or

ARTICLE 133.

Of breaking, or attempting to break into any dwelling-house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;—or House-breaking by night.

Of



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ARTICLE 134.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed one hundred Rupees ;—-or

House-breaking and stealing.

ARTICLE 135.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery, by open violence, or by theft or robbery, aggravated as described in Article 130 or Article 131 ;—-or

Buying or receiving stolen property.

ARTICLE 136.

Of an unnatural crime ;—-or

Unnatural crime.

ARTICLE 137.

Of Rape ;—

Rape.

Shall be sentenced by such General Court Martial to imprisonment with hard labor for a period not exceeding fourteen years.

ARTICLE 138.

Any Officer or Soldier who shall be convicted by a General Court Martial—  
Of the offence of culpable homicide not amounting to murder ;—-or

Culpable homicide not amounting to murder.

ARTICLE 139.

Of the offence of wounding, or otherwise causing any corporal injury to any person with intent to murder, whether the person wounded or otherwise injured be the person whom the offender

Wounding with intent to murder.

ACT No. XXIX of 1861.

offender intended to murder, or another; or of attempting to commit murder by any means whatsoever; —

Shall be sentenced by such General Court Martial to imprisonment with or without hard labor for a period not exceeding fourteen years.

ARTICLE 140.

Any Officer or Soldier who shall be convicted by a General Court Martial—

Premeditated affray, attended with Culpable Homicide.

Of premeditated affray, attended with culpable homicide not amounting to murder, or severe wounding, or other aggravating circumstance;—or

ARTICLE 141.

Intentionally doing corporal injury.

Of intentionally wounding, maiming, or otherwise doing corporal injury to any person;—or

ARTICLE 142.

Accidentally doing corporal injury to one person when intended to be done to another.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person with the intention of doing such injury to another person;—or

ARTICLE 143.

Of breaking into any dwelling-house, tent, boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein;—or

House-breaking by night.

ARTICLE 144.

Theft in a dwelling-house.

Of stealing from any habitation, or from any person, any property exceeding three hundred Rupees in value;—or

ARTICLE 145.

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ARTICLE 145.

Buying or receiving  
stolen property exceeding  
300 Rupees in value.

Of having purchased or received any property so  
stolen, exceeding in value three hundred Rupees,  
knowing it to have been stolen ;—or

ARTICLE 146.

Arson.

Of Arson ;—or

ARTICLE 147.

Enticing unmarried wo-  
man under 15 years.

Of enticing and taking away, or of causing to be enticed or taken  
away for any unlawful purpose, any unmarried woman  
under the age of fifteen years ;—or

ARTICLE 148.

Stealing children under  
8 years.

Of stealing a child under the age of eight years ;  
—or

ARTICLE 149.

Counterfeiting or fabri-  
cating Deed, &c.

Of counterfeiting, or causing or procuring the fraudulent fabrication or  
alteration of any written deed, or printed paper of any  
description ; or any counterfeit seal or signature thereto ;  
or the illicit imitation of any public stamp or stamped paper issued by  
Government ; or of using, selling, or disposing of such stamped paper,  
knowing the same to be counterfeit ; or of fraudulently issuing and publishing  
as true, or of fraudulently giving effect to any fabricated deed or paper  
knowing it to be a forgery ;—

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ARTICLE 150.

Of forging or procuring to be forged any counterfeit coin, in imitation of  
Counterfeiting Coin, &c. any of the gold, silver, or copper coin of the Govern-  
ment of India, or of any coin usually received as money  
in the British Territories in India ; or of clipping, filing, drilling, or defacing  
any such coin ; or of paying or tendering in payment counterfeit Coin, Bank  
Notes, or other Securities for money, knowing the same to be counterfeit, al-  
though such Notes or Securities shall be incomplete ;—

Shall be sentenced by such General Court Martial to suffer imprisonment  
with or without hard labor for any period not exceeding seven years.

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*District or Garrison Courts Martial.*

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ARTICLE 151.

It shall be competent to the Commander-in-Chief of the Presidency,  
Powers of District or Garrison Courts Martial. and to any Officer having authority to convene District  
or Garrison Courts Martial, to cause offenders, not being  
Commissioned Officers, accused of any of the offences specified in these Articles  
of War, except offences for which the punishment of death or transportation  
for life is provided, to be tried for such offences before a District or Garrison  
Court Martial, and such Court shall have power, on conviction, to sentence  
any such offender to imprisonment with or without hard labor for any period  
not exceeding three years.

ARTICLE 152.

Stealing property not  
exceeding 300 Rupees, but  
exceeding 50 Rupees in  
value.

Any Officer or Soldier who shall be convicted by a  
General, District, or Garrison Court Martial—

Of

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Of stealing from any habitation, or from the person, any property of value not exceeding three hundred Rupees, but exceeding fifty Rupees ;—or

ARTICLE 153.

Of having purchased or received any stolen property of value not exceeding three hundred Rupees, knowing it to have been stolen, but not under aggravating circumstances ;—or

Buying or receiving stolen property not exceeding 300 Rs. in value.

ARTICLE 154.

Of dishonestly having stolen property in his possession, and of having dishonestly kept possession of such property after becoming aware of its having been stolen ;

Dishonestly having stolen property in possession

Shall be sentenced by such Court to suffer imprisonment with or without hard labor for any period not exceeding three years.

Punishable with imprisonment not exceeding three years.

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*Regimental, Detachment, or Line Courts Martial.*

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ARTICLE 155.

It shall be competent to any Officer having authority to convene a Regimental, Detachment, or Line Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in these Articles of War, for which no punishment exceeding imprisonment with hard labor for three years is therein provided, to be tried before Regimental, Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer imprisonment with or without hard labor for any period not exceeding six calendar months.

Offences punishable by imprisonment not exceeding six months.

ARTICLE 156.

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ARTICLE 156.

Any Officer or Soldier, who shall be convicted;—

Stealing property not exceeding 50 Rupees in value.

Of stealing property not exceeding fifty Rupees in value;—or

ARTICLE 157.

Simple assault or affray.

Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances—

Punishable with imprisonment not exceeding one year if awarded by General, District, or Garrison Court Martial.

or not exceeding six months if awarded by a Regimental, Detachment, or Line Court Martial

May be sentenced to suffer imprisonment with or without hard labor for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

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*Offences punishable by imprisonment from six months to two years according to the description of the Court.*

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ARTICLE 158.

Any Officer or Soldier, who shall be convicted—

Resisting process of a Magistrate or Police Officer.

Of resisting the process of a Magistrate or Police Officer;—or

ARTICLE 159.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Committing any offence not already provided for.

May

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Punishable with imprisonment not exceeding two years if awarded by General Court Martial.

not exceeding one year if by District or Garrison Court Martial,

and not exceeding six months if by a Regimental, Detachment, or Line Court Martial

May be sentenced to suffer imprisonment for any period not exceeding two years by the award of a General Court Martial, for any period not exceeding one year by the award of a District or Garrison Court Martial, and for any period not exceeding six calendar months by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 160.

Any Officer or Soldier, who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having abetted, or of having caused, instigated, or procured, the commission of any of the offences specified in any of these Articles, shall be sentenced by such Court to any punishment in these Articles provided for such offence, and within the competency of such Court to award.

ARTICLE 161.

No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the person on whom such sentence is passed belongs; or if such person is attached to the force of any Presidency, but is serving with a force in any place out of British India, until it be confirmed by the Officer Commanding such force; or if such person belongs to a force in any part of India not under the Commander-in-Chief of any Presidency, until confirmed by the Officer Commanding such force.

ARTICLE 162.

The Commander-in-Chief or other Commanding Officer as provided in the last Article is authorized at his discretion to confirm any sentence of death, and to remit such sentence, or to commute it to transportation for life, or for a period not less than seven years

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or to imprisonment with hard labor for any period not exceeding fourteen years.

ARTICLE 163.

Transportation. No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, or other Commanding Officer as provided in Article 161, and the Commander-in-Chief or such other Commanding Officer, is authorized at his discretion to remit such sentence or to confirm it, or to commute it to imprisonment with or without hard labor for any period not exceeding fourteen years. Provided that, if the sentence of transportation be for any period less than fourteen years, the imprisonment in commutation shall not be for any longer period.

ARTICLE 164.

Remission or mitigation. It shall be competent to any Officer having authority, to confirm the sentence of a General or other Court Martial, and to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labor, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 165.

No person to be tried a second time for the same offence. Any person who shall have been tried by a Court Martial for any offence under the authority of these Articles of War, shall not be tried for the same offence in any other Court whatsoever except as provided in Article 119; and no person who shall have been acquitted or convicted of any offence by any Court of Judicature, shall be punished for the same offence by a Court Martial. But such person may be discharged from the service.

ARTICLE 166.

Regulations respecting Bazaar and Cantonment Police, and Panchayets, declared in force. The Regulations by which in any Presidency, the office and powers of Commissariat Officers, or Officers in charge of the Police in any Cantonments, or Superintendents of Military Bazaars, are at present defined and controlled; or by



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by which punchayets are constituted and guided ; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments ; shall continue to be in full force, and to be observed at the several Presidencies respectively.

CHAPTER VII.

*Application of the Articles.*

ARTICLE 167.

All Officers and Soldiers, Drivers, Farriers, Trumpeters, Drummers, unattested Recruits, Sub-Assistant Surgeons, Native <sup>Persons amenable to the Articles.</sup> Doctors, Hospital Attendants, Dressers, Artificers, and Laborers, Sutlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles, and to be subject to trial and punishment by Courts Martial.

Provided that all Drivers, Farriers, Trumpeters, Drummers, Recruits, Sub-Assistant Surgeons, Native Doctors, Hospital Attendants, and Dressers, hereafter enlisted, shall be attested according to the Regulations of the Presidency to which they belong.

Persons of European descent (whether on the side of their father or mother) professing the Christian religion, if belonging to the descriptions mentioned in this Article (and not being Her Majesty's natural-born subjects born in Europe, or the children of such subjects,) shall be tried for Military offences by Courts Martial composed of European Officers only, and punished according to these Articles of War. For Criminal or Non-Military offences such persons shall not be amenable to these Articles of War, but shall be tried and punished in the same manner as persons who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers of Her Majesty's Indian forces.

ARTICLE 168.

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ARTICLE 168.

Promulgation of the  
Articles. These Articles are to be translated into the several languages of the different Presidencies; and the following Articles, namely, the 2nd, 3rd, and 4th, the 5th to the 69th, both included; the 78th, 81st, 82nd, 110th, and 118th, are to be read once every three months at the head of every Regiment or Corps, Troop or Company in the service, and to every recruit at the period of his attestation.

ARTICLE 169.

Commencement of Act. These Articles of War shall take effect on and from the 1st day of November 1861.

ACT No. XXX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

*An Act to enable the Bengal Military Orphan Society to register under Act XXI of 1860 (for the Registration of Literary, Scientific, and Charitable Societies.)*

WHEREAS it is expedient to enable the Bengal Military Orphan Society to register under Act XXI of 1860 (*for the Registration of Literary, Scientific, and Charitable Societies*); It is enacted as follows:—

In the case of the Bengal Military Orphan Society, the assent to the Society being registered under the said Act XXI of 1860 of three-fifths of the Members present personally or by proxy at some general meeting specially convened, shall not be required, but the said Bengal Military Orphan Society may be registered under the said Act by the Governor, Deputy Governor, and Managers thereof for the time being, without such assent, anything in the said Act to the contrary notwithstanding, and such Registration shall have the same effect as if it had been made in conformity with the provisions of the said Act XXI of 1860.

The Bengal Military Orphan Society how to be registered.



ACT No. XXXI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

*An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.*

WHEREAS it is expedient to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof; It is enacted as follows :—

Preamble.

I. From the time when this Act shall come into operation it shall not be lawful for any person in the North-Western Provinces of the Presidency of Bengal, or in any other part of the British territories in India to which this Act shall be extended in the manner hereinafter provided, to manufacture or refine Saltpetre, or to separate or purify any Salt which may be educed in the process of manufacturing or refining Saltpetre, except under a license from the local Government. The license may be granted either for the manufacture of Saltpetre alone, or for the manufacture and refining of Saltpetre and the separation and purification of Salt educed in the process of such manufacture and refining.

Unlicensed manufacturing &c. of Saltpetre prohibited.

II. It shall not be lawful for any manufacturer of Saltpetre, not being licensed to manufacture and refine Saltpetre and to separate and purify the Salt educed in the process of the manufacture of Saltpetre, to separate any Salt from any earth or other substance yielding Salt.

Unlicensed manufacturer prohibited from separating &c. Salt educed in the manufacture of Saltpetre.

III. Every license granted under this Act shall have effect for one year from the date of such license and shall contain the name of the proprietor of the manufactory or manufactory

Duration and form of license.

ACT No. XXXI OF 1861.

tory and refinery of Saltpetre licensed, and of the locality of such manufactory or refinery.

IV. For every license to manufacture Saltpetre there shall be charged a fee not exceeding two Rupees, and for every license to manufacture and refine Saltpetre and to separate and purify Salt in the process of such manufacture and refining, a fee not exceeding one hundred Rupees. The local Government shall within the limits aforesaid fix the amount of the fee to be paid for such licenses respectively.

Fees for licenses.

V. The Salt educed in the process of manufacturing or refining Saltpetre by any person licensed to separate and purify Salt as aforesaid (whether the same shall be purified or not) shall be liable to the full Government Duty on Salt in the Presidency or place in which such Salt is separated, educed, or purified, and such Duty shall be levied, on or before such Salt is removed from the place of manufacture.

Salt educed in the manufacture of Saltpetre liable to full Government Duty.

VI. If any person shall manufacture or refine Saltpetre or separate or purify any Salt educed in the process of manufacturing or refining the same, without a license under this Act, or being licensed only to manufacture Saltpetre, shall separate any Salt in the manufacture thereof, or being licensed to manufacture and refine Saltpetre, shall (except as provided in the next Section) allow any Salt separated in the manufacture or refinement of Saltpetre to be removed from the place of manufacture or refinery without the full amount of Government Duty thereon being first paid, he shall be liable to a fine of five hundred Rupees, and on non-payment thereof to imprisonment with or without hard labor for a period not exceeding six months.

Penalty.

VII. It shall be lawful for the local Government to compound with any person licensed under this Act to manufacture and refine Saltpetre and to separate and purify Salt educed in the process of such manufacturing and refining, for the Duty payable on the Salt estimated to be separated by such person. The composition shall be made for one year only, and may be annually renewed, and shall be in such form, and subject to such provisions and pecuniary penalties, as the local Government

Composition of Duties.

ACT No. XXXI OF 1861.

ment shall prescribe. Such provisions and penalties shall be expressed in such license, and the person licensed shall sign a bond embodying such provisions and penalties, and binding him to the fulfilment of all conditions of such license.

VIII. Every manufactory of Saltpetre in the North-Western Provinces licensed under this Act, and a space not exceeding one hundred yards around such manufactory if the manufactory be also a refinery of Saltpetre, and not exceeding fifty yards if the manufactory be licensed for the manufacture of Saltpetre only, to be fixed by the local Government under Section III of Act XIV of 1843 (*for regulating the levy of Customs Duties and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal*) shall be included in the Customs jurisdiction of the said Provinces; and the provisions of the said Act XIV of 1843 and of Act XXXVI of 1855 (*to empower Officers of Customs and Land Revenue to search houses and other enclosed places for contraband Salt in the North-Western Provinces*) shall apply to Salt manufactured, separated, or purified contrary to the provisions of this Act, and to such Customs jurisdiction.

Manufactories in the North-Western Provinces to be within Customs jurisdiction.

Acts XIV of 1843 and XXXVI of 1855 applicable.

IX. In other parts of the British territories in India to which this Act shall be extended in the manner hereinafter provided, the powers conferred by the said Acts XIV of 1843 and XXXVI of 1855 on Collectors and other Officers of Customs and Police Officers respectively, may be exercised by the Magistrates and Police Officers (not being under the grade of a Jemadar or Head Officer of a Police Station) in their respective Districts.

In other parts of India to which this Act is extended, who are to exercise the powers conferred by the above Acts on Collectors &c.

X. It shall be lawful for the local Government of the North-Western Provinces and of any other Presidency or place to which this Act shall be extended as hereinafter provided, to frame rules, which shall not be contrary to the provisions of this Act, for securing the Duty payable on Salt separated or purified under licenses to manufacture and refine Saltpetre and to separate and purify Salt educed in manufacturing and refining the same, for compositions under Section VII of this Act, and for the removal of Salt for which composition

Local Government may frame rules.

ACT No. XXXI OF 1861.

position has been made, and otherwise to give effect to this Act. Such rules shall be published in the Official Gazette of such local Government, and shall have the same force and effect as if they were contained in this Act.

XI. The provisions of this Act, wherever it may be in force, shall apply to the manufacture of Russee, Sujjee, and all other substances manufactured from saline earth, and of Kharee Noon, or Glauber's Salt, and every other form of Sulphate of Soda, and to the works at which any such substance is manufactured.

To what substances &c. this Act is applicable.

XII. All forfeitures or penalties imposed under the authority of this Act shall be recoverable by any Magistrate of Police, or by the Magistrate or other Officer exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above named Officers.

Levy of forfeitures and penalties by distress.

XIII. When any penalty is awarded for the breach of the conditions of any license under this Act, or against the holder of any license for any offence under this Act, the local Government may cancel such license. The Officer who convicts the offender may also, on the application of the Commissioner of Customs or of the Collector of Customs within whose jurisdiction the offence is committed or other Officer authorized in that behalf by the local Government, order the works of such offender at which such offence was committed, to be destroyed.

Cancellation of license and destruction of works of offenders.

XIV. In case any penalty awarded under this Act shall not be forthwith paid, the Officer by whom such penalty is awarded may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to warrant of distress.

XV. If



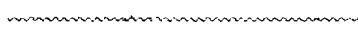
ACT No. XXXI OF 1861.

XV. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XVI. If the offender shall be a European British subject, the Magistrate shall record the facts, and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

XVII. Nothing in this Act shall be construed to alter or affect the provisions of any other law or Regulation relating to licenses.

XVIII. This Act shall take effect in the North-Western Provinces on the 1st day of December 1861, and may be extended to any other parts of the British territories in India, by an order of the Governor-General of India in Council to be published in the Official Gazette.



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ACT No. XXXII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 7th September 1861.)*

*An Act to postpone the operation of a portion of Clause 8 Section I of Act XIV of 1859 (to provide for the Limitation of Suits).*

WHEREAS it is expedient to postpone the operation of so much of Act  
XIV of 1859 *(to provide for the Limitation of Suits)* as  
limits the period for the commencement of suits for the  
amount of bills for articles sold by retail ; It is enacted as follows :—

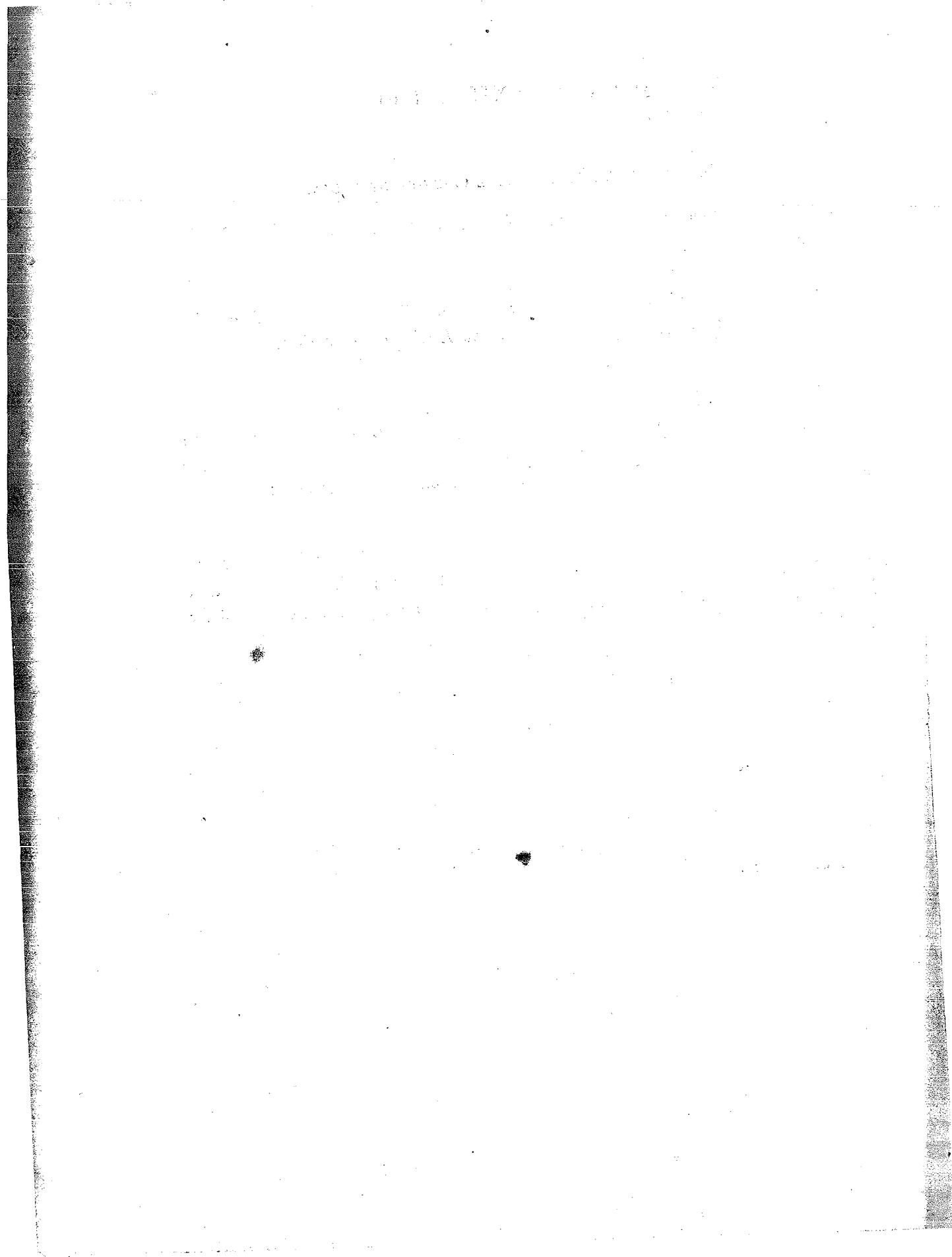
Preamble.

Part of Clause 8 Section I of Act XIV of 1859 not to take effect before 1st July 1862.

That part of Clause 8 of Section I of the said Act which relates to bills for articles sold by retail, shall not take effect or have any operation before the 1st day of July

1862.

PRICE 6 PIES.



## ACT No. XXXIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 22nd November 1861.)*

*An Act to amend the Schedule annexed to the Code of Criminal Procedure.*

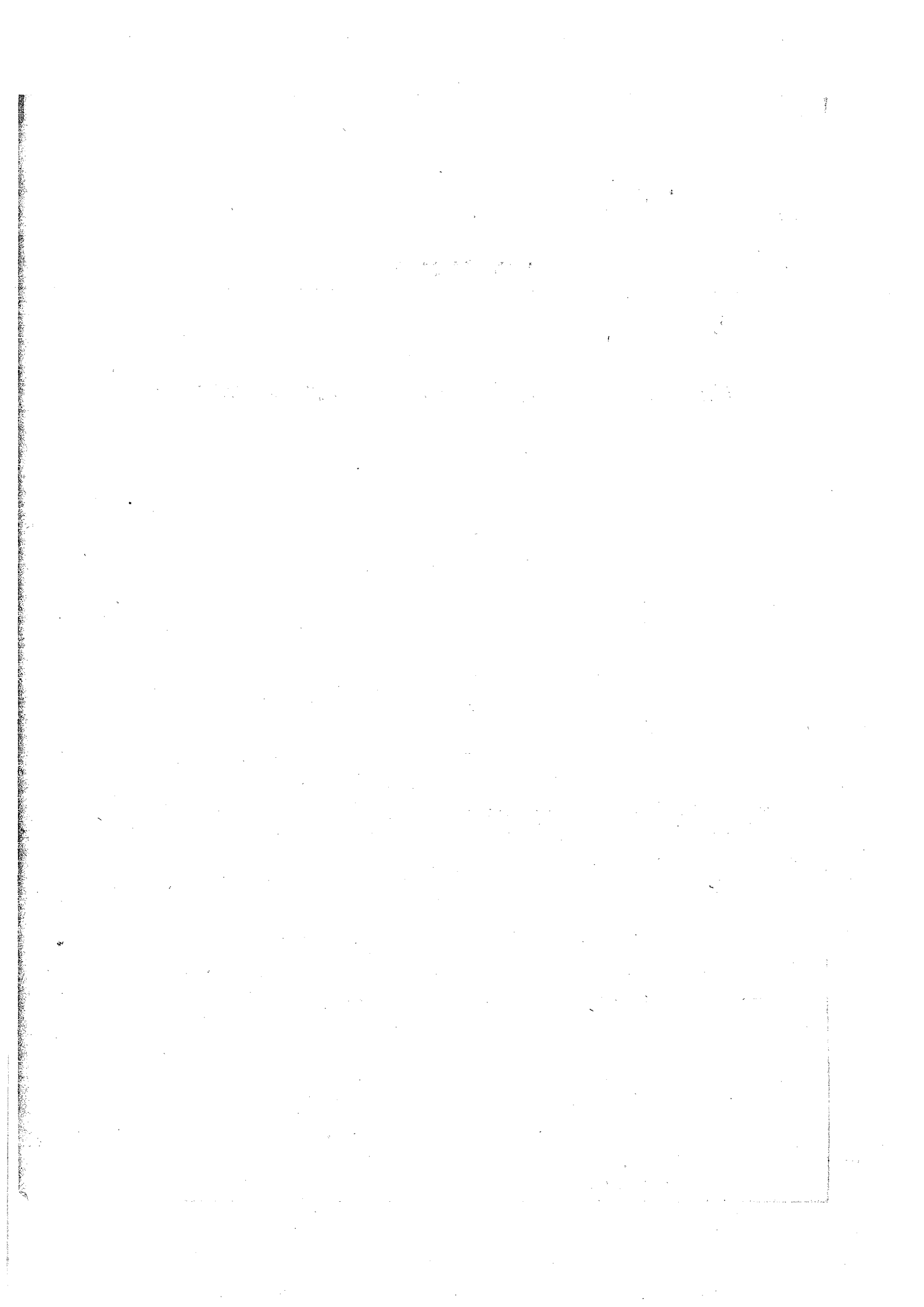
Preamble. WHEREAS it is expedient to amend the Schedule annexed to the Code of Criminal Procedure ; It is enacted as follows:—

I. In lieu of the words “ Court of Session or Magistrate of the District” in Column 7 of the Schedule annexed to the Code of Criminal Procedure referring to Section 379 of the Indian Penal Code, there shall be read the words “ Court of Session or any Magistrate.”

Amendment of the Schedule as regards Section 379 of the Penal Code. II. In lieu of the words “ Court of Session or Magistrate of the District” in the two Clauses of Column 7 of the said Schedule referring to the provisions contained in Section 457 of the Indian Penal Code, there shall be read the words “ Court of Session or Magistrate of the District or Subordinate Magistrate of the 1st Class.”

Construction. III. This Act shall be read and taken as part of the Code of Criminal Procedure.

PRICE 6 PIES.



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