SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE,

CONTAINING

Acts and Bills of the Legislative Council of India.

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Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st August 1859, and is hereby promulgated for general information :—

ACT No. XX. OF 1859.

An Act for the Suppression of Outrages in the District of Malabar, in the Presidency of Fort St. George.

Preamble.

Whereas in the District of Malabar, in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives ; and the general law of the country is not adequate to suppress such outrages ; It is enacted as follows :—

Acts repealed.

I. Act XXIII. of 1854 (*for the suppression of outrages in the District of Malabar, in the Presidency of Fort St. George*), and Act V. of 1856 (*to give effect to Act XXIII. of* 1854 *from the time of its promulgation in the District of Malabar, and to extend the application thereof in future*) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II. of this Act.

Governor in Council empowered to proclaim the whole or any part of Malabar to come under this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time, to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions :—

The property of Moplas convicted of outrages to be forfeited.

III. Any Mopla, who murders or attempts to murder any person, or who takes part in any outrage directed by Moplas against any persons wherein murder is committed, or is attempted to be committed, or is likely to be committed ; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same, or who, after having committed or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him ; or who shall join or assist or incite or encourage other persons to join or assist in such resistance,—shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried ; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender ; and, on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

Also the property of persons killed in committing outrages.

Immoveable property of offender, alienated within 12 months from passing of this Act and before commission of offence, to be forfeited.

IV. All immoveable property of the offender which shall be alienated after the passing of this Act, and before the commission of any offence specified in Section III., shall be forfeited in the same manner as if no such alienation had been made, unless the same shall have been made more than twelve months before the commission of the offence.

Bodies of offending Moplas sentenced to death or

V. If any Mopla shall be sentenced to death for any capital offence punishable also with forfeiture of property under this Act, it

killed, may be burned or buried within the precincts of the Jail.

shall be lawful for the Court by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and, in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or, having committed any such offence as aforesaid, shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

Powers of Governor in Council as to the confinement or trial of persons under this Act.

VI. The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

Magistrate how to act in respect to persons against whom he thinks there are grounds of proceeding.

VII. The Magistrate of the District may cause any Mopla or other person, against whom there are, in his judgment, grounds of proceeding under the last Section, to be apprehended; and after such inquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

Penalty for remaining or returning within forbidden limits.

VIII. If, with the previous consent of the Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section VI., shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India, or of any part thereof; and shall, in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labour, for a period which may extend to seven years, or with fine, or both.

Levy of compensation or fine.

IX. Whenever any such outrage as is specified in Section III. of this Act, the same being punishable under this Act, shall, after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorise, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, and also within the umshum in which the outrage shall have been committed; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows: that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

Penalty for Mopla inhabitants of any umshum refusing to deliver up an offender.

X. Whenever any such outrage as is specified in Section III. of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall, after the perpetration of any such outrage, be found, to deliver up such perpetrator or perpetrators; and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants such sum of money as the Governor in Council shall authorise, as prescribed in the last preceding Section of this Act; and all sums so levied shall be appropriated in the manner prescribed in that Section.

Fines, &c. how to be levied.

XI. All fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realised by a Collector; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

Parts of District may be withdrawn from the operation of the Act, and again made subject to it.

XII. It shall be lawful for the Governor in Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto; and, in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

Duration of Act.

XIII. The provisions of this Act shall continue in force until the end of the year 1869.

W. Morgan,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

Act No. XXI. of 1859.

An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.

Preamble.

Whereas the Governor General in Council has declared that it is expedient that the Governor General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council; It is enacted as follows:—

Powers to be exercised by the Governor General during his absence from Council.

I. During the absence of the Governor General from his Council, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council, in every case in which the said Governor General may think it expedient to exercise those powers.

II. All powers vested in the Governor General in Council, by any Act of the Government of India, may be lawfully exercised by the President in Council.

Powers of the President in Council.

III. This Act shall commence from the day on which it shall be notified, by an order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid; and shall not continue in force for a longer period than seven months.

Commencement and duration of Act.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

ACT No. XXII. OF 1859.

An Act to amend Act I. of 1852 *(for the Consolidation and Amendment of the Laws relating to the Customs under the Presidency of Bombay).*

Whereas it is expedient to amend Act I. of 1852 *(for the Consolidation and Amendment of the Laws relating to the Customs under the Presidency of Bombay)*; It is enacted as follows:—

Preamble.

I. Section XX. of Act I. of 1852, and so much of Schedule A annexed to the said Act as prescribes the rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay, are repealed.

Part of Act I. of 1852 repealed.

II. All the provisions now in force of the above-mentioned Act which have reference to the Customs Duty now charged and leviable on Salt imported by Sea into any Port of the Presidency of Bombay, shall be taken to have reference to the Duty prescribed in the Schedule annexed to this Act.

Duty on Salt imported by Sea.

III. Spirits exported from any Port within the British Territories in India, and imported at any Port subordinate to the Government of Bombay, shall be liable on importation to the same rate of Duty as the Governor in Council of Bombay may from time to time impose, under Act III. of 1852, or any future enactment, on Spirits manufactured within the Presidency of Bombay. Provided always that, if the said Spirits be accompanied by a document, signed by competent authority, certifying that a Duty whether of Customs or otherwise has been paid on the said Spirits within the British Territories in India, credit shall be allowed for the sum so paid in settling the Customs at the Port of import; and if such sum equal or exceed the full amount leviable on import, then the Spirits on which such Duty has been paid shall be admitted to free Duty.

Duty on Spirits exported from any Port in India and imported into any Bombay Port.

IV. This Act shall be construed as part of the said Act I. of 1852; and any Act subsequent to Act I. of 1852 which refers to that Act, shall be construed to refer to that Act as hereby altered. And any Act which refers to Section XX. of Act I. of 1852 shall, as to all matters arising after the passing of this Act, have the same effect as if it referred to Section III. of this Act.

Construction of Act.

SCHEDULE.

Rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay, from any Port or place not subject to the Government of India, or from Aden, or from any Port or place in the Straits of Malacca:—

Salt not covered by a Pass.. 1 Rupee per Indian Md.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

ACT No. XXIII. OF 1859.

An Act to alter the Rates of Duty on Goods Imported or Exported by Land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively.

Whereas it is expedient to fix the duties of Land Customs on goods passing into or from the Presidency of Fort Saint George or the Presidency of Bombay from or into Foreign Settlements on the line of Coast at the same rates as the duties of Sea Customs specified in Schedules A and B annexed to Act VII. of 1859; it is enacted as follows:—

Preamble.

I. Section VI. of Act VI. of 1844 *(for revising the duties on imports and exports in the Presidency of Fort Saint George)*, and Section II. of Act XXIX. of 1857 *(to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay)*, are hereby repealed, except so far as they respectively relate to Salt or Opium, which shall remain subject to the same rates of duty, or shall be prohibited without a pass, as the case may be, as if this Act had not been passed.

Laws repealed.

Exception.

II. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Fort Saint George, at the rates prescribed in Schedules A and B of Act VII. of 1859 *(to alter the Duties of Customs on goods imported or exported by Sea)*. And all the provisions of Act VI. of 1844 now in force relating to the rates of duty mentioned or referred to by Section VI. of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII. of 1859, as if such last-mentioned rates had been specially mentioned in that Section.

Duties of Customs on goods passing by land into or out of certain Foreign Settlements situate within the limits of the Madras Presidency.

III. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in Schedules A and B of the said Act VII. of 1859; and all the provisions of Act XXIX. of 1857 now in force, relating to the rates of duty referred to by Section II. of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII. of 1859, as if such last-mentioned rates had been specially mentioned in that Section.

Duties of Customs on goods passing by land into or out of certain Foreign Settlements situate within the limits of the Bombay Presidency.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

Act No. XXIV. of 1859.

An Act for the Better Regulation of the Police within the Territories subject to the Presidency of Fort St. George.

Whereas it is expedient to make the Police force throughout the Madras Presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, and to reorganise the Police Force, and improve the condition of the Village Police; it is enacted as follows:—

Preamble.

I. 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.

"Magistrate." The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

"Subordinate." The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

"Police." The word "Police" shall include General and Village Police, Cuttoobadies, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

"General Police District." The expression "General Police District" shall embrace all Districts to which the operation of this Act shall be extended.

"Property." The word "property" shall include any chattel, 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 company or corporation.

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

"Cattle." The word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats, and swine.

Laws repealed. II. The several Regulations and Acts mentioned in the Schedule hereunto annexed, are hereby repealed and amended, to the extent and in the manner therein set forth, within the limits of the General Police District, except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation; provided also, that nothing in this Section shall be construed to affect any judicial function or jurisdiction original or appellate, which, by any existing law, may be exercised by any of the Officers mentioned in the enactments above repealed.

Jurisdiction of Officers appointed under Regulation XI., 1816. III. Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XL. of Regulation XI., 1816, of the Madras Code, or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

Superintendence vested in Governor in Council. IV. The superintendence of the Police throughout the General Police District shall vest in, and be exercised by, the Governor in Council, and, except as authorised by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation, Act, or usage to the contrary notwithstanding.

Inspector General of Police, &c. V. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector General of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall, from time to time, be appointed by the Governor in Council, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

Powers of Police, &c. VI. All powers not inconsistent with the provisions of this Act which, up to the passing of this Act, belonged by law to the existing Police authorities, shall be vested in the Police authorities appointed under this Act. Provided always, that no Police functionary so appointed shall possess or exercise any judicial or revenue authority.

Inspector General to be appointed a Magistrate. VII. The Inspector General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he 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, as far as may be necessary, for the performance of the duties assigned to him by this Act.

To act as such under the orders of Government.

District Superintendent may be appointed a Magistrate.

In what cases he may act in that capacity.

Constitution of the Force. VIII. The entire Police establishment of the Madras Presidency 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 otherwise constituted in such manner, as shall be, from time to time, ordered by the Governor in Council with the sanction of the Governor General of India in Council.

Inspector General to control Force and make rules. IX. The Inspector General may, from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, distribution, and particular service of the Members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; to the collecting and communicating intelligence and information;

and all such other orders and regulations relative to the said Police Force as the said Inspector General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

Inspector General to appoint and dismiss.

X. The appointment of all Police Officers shall, under such rules as the Governor in Council shall, from time to time, sanction, rest with the Inspector General of Police and the Deputy Superintendents, who may, under such rules as aforesaid, at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Police Officers to receive certificates of Office.

XI. Every person so appointed shall receive, on his enrolment, a certificate (A) under the seal of the Inspector General, by virtue of which he 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 thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

Police Superannuation Fund.

XII. 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 Governor in Council shall direct, not being a greater rate than One Anna in the Rupee; which sum so deducted, and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall, from time to time, be invested in such manner and in such securities as the Governor in Council 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 the said Governor in Council: provided always, that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled of right to any allowance from this Fund, or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

Proviso.

Additional Police Officers employed at the cost of individuals.

XIII. It shall be lawful for the Inspector General of Police, or any District Superintendent, if they shall think fit, 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 at the charge of the person making the application, but subject to the orders of the said Inspector General, or District Superintendent, and for such time as they shall think fit: provided always, 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, or District Superintendent, to require that the Officers so appointed shall be discontinued: such person shall be relieved from the charge of such additional Force from the expiration of such notice.

Appointment of additional Force in the neighbourhood of Railway and other works.

XIV. Whenever any Railway, Canal, or other Public Work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue; and to make orders, from time to time, upon the Treasurer or other Officer having the control or custody of the funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

Payment of money for support of additional Police Force.

XV. All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into 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 Governor in Council may pass; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court, or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

Special Police Officers.

XVI. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants, or residents of the neighbourhood, as such Police Officer may require, to act as special Police Officers, for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magistrate at once to comply with such applications.

Powers of special Police Officers.

XVII. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Refusal to serve.

XVIII. 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 him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding Fifty Rupees for such neglect, refusal, or disobedience.

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

XIX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so: nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector General.

Unlawful assumption of Police functions, personation of Police, &c.

XX. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police, and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him

for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character, or act the part of any Police Officer for any purpose whatever,—shall, in addition to any other punishment to which he may be liable, for any offence committed under the assumed character, be liable, on conviction before a Magistrate, to a penalty not exceeding Two Hundred Rupees, or to imprisonment, with or without hard labour, for a period not exceeding Six Months, or both.

Duties of Police Officers.

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him.

Police Officer may arrest without warrant,—

XXII. It shall be the duty of every Police Officer, and he is hereby authorised, to arrest without warrant—

Persons charged with or suspected of grave crimes.

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

Persons charged with aggravated assault recently committed.

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been issued.

Persons committing a breach of the peace.

3. Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

Persons found injuring public buildings, &c.

4. Any person found injuring the public buildings, roads, tanks, and water channels, or committing any offence punishable by law: provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

Proviso.

Vagrants and suspicious persons.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit, a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any highway, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

Persons assaulting Police Officer.

6. Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty, or aids or excites others so to do.

Persons escaping from legal custody.

7. All persons who, having been in legal custody, shall have escaped therefrom.

Persons charged with an offence, refusing to give name.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

Persons arrested without warrant to be taken to Station House until brought before Magistrate or bailed.

XXIII. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate, to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned: provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

Proviso.

Releasing on bail.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence, of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail, or on his own recognisance, to appear before the Magistrate when required.

Superior Officer of Police may take recognisance for appearance of prosecutor or witness.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognisance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognisance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

Condition of recognisance.

XXVI. Every recognisance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding One Thousand Rupees, shall be specified in the said recognisance, or in the condition thereof; and the Officer taking the recognisance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

Remands.

XXVII. If, from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate, from time to time, by his warrant, to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or Jail, or to be otherwise detained in custody, as to the said Magistrate shall appear expedient: provided always, that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognisances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

Proviso.

XXVIII. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking-shops, gaming-houses, and other resorts of loose and disorderly characters; all premises of persons suspected of receiving stolen property; any locality, vessel, boat, or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed.

Entering drinking-shops, &c. without a warrant.

XXIX. Every Police Officer, not below the grade of Inspector, shall be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing, which he may have reason to believe is false.

Inspection of weights and measures.

XXX. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on inquiry made of the complainant alone, see good grounds for doubting its truth: provided always that, if the charge be not of such a nature as, under ordinary circumstances, would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

Police Officer not to receive complaints of petty offences.

Proviso.

XXXI. It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search-warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment: provided always, that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

Police Officers may lay informations, &c.

Proviso.

XXXII. From and after the passing of this Act, all summonses, warrants, search-warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

All warrants, &c. to be executed by members of the Police Force.

XXXIII. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorised for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name: provided also, that every such process shall be executed with all secrecy and despatch, and shall have full force in any part of the Madras Presidency, except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall everywhere be assisting in the execution of such process.

Warrant to be endorsed.

Proviso.

XXXIV. Every summons, notice, or other criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding Ten Rupees, unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

Service of summonses, &c.

XXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognisable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

Warrant without summons.

XXXVI. A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

Notification of substance of warrant.

XXXVII. 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.

XXXVIII. After arrest, the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

No unnecessary restraint.

XXXIX. Any Police Officer authorised by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling-house, 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.

XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

Breaking opening a Zenanah or female apartment.

XLI. After arrest made, the Police Officer executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate or other authority described in the warrant.

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

XLII. No Police Officer shall 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 or promise, to compel disclosure by party arrested.

XLIII. If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or to imprisonment for a period not exceeding Three Months, or both.

Police Officer may require assistance.

Penalty.

XLIV. Every Police Officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X. of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody, without a warrant, before a Magistrate as hereinbefore provided; 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 labour not exceeding Three Months, or both.

Penalties for neglect of duty, &c.

XLV. Any Police Officer who shall on any pretext or under any circumstance, directly or indirectly, collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorised by the Inspector General or other Officer acting under his order to collect or receive, shall, on conviction before a Magistrate, be liable to a penalty not exceeding Six months' pay, or to imprisonment with or without hard labour not exceeding Six Months, or both.

Penalty for receiving unauthorised fees, &c.

XLVI. Any Police Officer who shall, directly or indirectly, extort, exact, seek, or obtain any bribe or unauthorised reward or consideration, by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, or shall be guilty of cowardice, shall be liable, upon conviction before a Magistrate, to a fine not exceeding Twelve months' pay, or to imprisonment with or without hard labour not exceeding Twelve Months, or both: *provided always*, that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognisance.

Penalty for extortion, &c.

XLVII. If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding Fifty Rupees, or to imprisonment with or without hard labour not exceeding Three Months, or both.

Penalty for obstructing a Police Officer in the execution of his duty.

XLVIII. Any person who, in any street, road, thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, 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 warrant any person who, within view, commits any such offence:—

Certain duties of Police Officers.

Obstructions and nuisances in roads.

First.—Any person who shall slaughter any cattle or clean any carcase in the streets; any person riding or driving any cattle recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

Slaughtering cattle, furious riding, &c.

Second.—Any person who wantonly or cruelly abuses or tortures any animal:

Cruelty to animals.

Third.—Any person who shall keep any cattle, or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public:

Obstructing passengers.

Fourth.—Any person exposing goods for sale on the road so as to obstruct passengers:

Exposing goods for sale on road.

Fifth.—Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any pial, cow-shed, stable, or the like, within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dung-heap, or the like, into the street:

Throwing dirt into street.

Sixth.—Any person found in any thoroughfare drunk and riotous, or incapable of taking care of himself:

Being found drunk in any thoroughfare.

Seventh.—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in, or by the side of, or near any public street or thoroughfare; 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.

XLIX. The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribe the routes by which, and the times at which, such processions may pass, keep order in the public roads, streets, thoroughfares, ghauts, and landing-places and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts, or landing-places may be thronged, or may be liable to be obstructed; they may also regulate the use of music in streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace; and every person opposing, or not obeying the orders so

Regulation of public processions, &c., and of carriages and persons at places of public resort.

Licences for use of music in streets.

issued as aforesaid, or violating the conditions of such licence, shall be liable to a fine not exceeding One Hundred Rupees: provided always, that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

Jurisdiction.

L. In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict: provided always, that such charges against Police Officers above the rank of a Private, shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be liable to conviction by Heads of Villages.

Proviso.

Power to prosecute not affected.

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

Proviso.

Levy of fines.

LII. All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II. of 1839.

Limitation of action.

LIII. All actions and prosecutions against any person, which may be lawfully brought for anything 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 Superintendent or other superior Officer of the District in which the act was committed, one month at least before the commencement of the action; and 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 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 shall be, 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.

Proviso.

Plea that act was done under a warrant.

LIV. When any action, prosecution, or proceeding shall be brought 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; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate: and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate: and no proof of the signature of such Official 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 remain entire.

Proviso.

Scope of Act.

LV. This Act shall take effect in any and every such District as the Governor in Council shall appoint, by notification published in the Official Gazette.

SCHEDULE.

Laws repealed.

LVI. The following words in Section XXXVI. of Regulation IX., 1816, "The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party;" and Section XLII.

Regulation XI. 1816, Sections III., IV., V., VI., VII., XI., XV., XVI., XVII., XVIII., XXI., XXII., XXIII., XXIV., XXV., XXVI., Clause 2, XXIX., XXXV., XXXVIII., XXXIX., XL., XLI., XLVIII., and LV.

Regulation IV. 1821, Section III.

So much of Clause 2, Section II. of Regulation IV. 1821, as declares that all Subordinate Officers of Police, of every description, shall be subject to the authority of the Tuhseeldars of their respective Districts.

So much of Section VII. of Regulation VI. 1831, as affects Village Watchers or other persons holding Village offices in the Police Department.

Act VII. of 1843, Sections XXXIX. and XL.

Laws to be amended.

So much of Clause 4, Section XIII. of Regulation XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1, Section XXVII. of Regulation XI. 1816, as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV. of 1859, and is vested with the powers, functions, and privileges of a Police Officer.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th September 1859.

The following Bill was read a second time in the Legislative Council of India, on the 6th September 1859, and was referred to a Select Committee, who are to report thereon after the 10th of December next:—

A Bill to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.

Preamble.

Whereas it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability; It is enacted as follows:—

Laws repealed.

I. So much of Section II. of Act XIX. of 1857 *(for the incorporation and regulation of Joint Stock Companies and other Associations either with or without Limited Liability of the Members thereof)* as provides that nothing in that Act shall authorise any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking; and so much of Section XCIX. of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited Company, are hereby repealed, subject to the following Proviso, that no Banking Company claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the shareholders shall be liable for the whole amount of the issue in addition to the sum for which they would be liable as Shareholders of a Limited Company.

Existing Company before obtaining registration under this Act to give notice to Customers.

II. Every existing Banking Company which shall register itself as a Limited Banking Company, shall, at least thirty days previous to obtaining a certificate of Registration with Limited Liability, give notice that it is intended so to register the same to every person and partnership firm who shall have a Banking Account with the Company; and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further, or otherwise, the certificate of registration with Limited Liability shall have no operation.

Limited Banking Company to furnish a Statement.

III. Every Limited Joint Stock Banking Company shall, before it commences business, or, if a Banking Company at the time carrying on business with unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will admit; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies: a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on; and if default is made in due compliance with the provision of this Section, each Director shall be liable to a penalty not exceeding for every day during which such default continues, and such penalty shall be recovered in a summary manner.

Trust Property.

IV. All such estate or interest in moveable and immoveable property, and all such deeds, bonds, obligations, and rights as may belong to, or be vested in, any person or persons in trust for any Banking Company at the date of its Registration under this Act, or in trust for any other Company at the date of its Registration under the said Act XIX. of 1857, shall immediately on Registration vest in such Banking or other Company; but no merger shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

Existing Banking Companies may register under this Act.

V. Any Banking Company consisting of seven or more persons having a capital of fixed amount, and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act, may, at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or, in cases where proxies are allowed by the regulations of the Company, by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act, and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX. of 1857 or with this Act, shall no longer apply to the Company so registered; but such Registration shall not take away or affect any powers previously enjoyed by such Company of banking, issuing notes payable on demand, or of doing any other thing.

Registration under this Act not to affect obligations incurred previously to Registration.

VI. The Registration under this Act of any Banking Company existing at the time of the passing of this Act, and hereby authorised to be registered, shall not affect or prejudice the liability of such Company to have enforced against it or its right to enforce any debt or obligation incurred, or any contract entered into, by, to, with, or on account of such Company previously to such Registration; and all such debts, obligations, and contracts, shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

Saving of liabilities of persons holding shares before Registration under Act.

VII. Every person who, at or previously to the date of the Registration under this Act of any Banking Company hereby authorised to be registered, may have held shares in such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

Continuation of existing actions and suits.

VIII. All such actions, suits, and other legal proceedings as may, at the time of the Registration under this Act of any Company hereby authorised to be registered, have been commenced by or against such Company or the Public Officer thereof, may be continued in the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company, upon any judgment, decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX. of 1857.

Winding-up.

IX. All Companies registered under this Act shall be wound up in the manner directed by the said Act XIX. of 1857.

Act not to apply to Banks of Bengal, Madras, or Bombay.

X. Nothing in this Act shall affect Act VI. of 1839 *(incorporating the Bank of Bengal)*, Act III. of 1840 *(for the incorporation of a Bank at Bombay)*, or Act IX. of 1843 *(for the incorporation of a Bank at Madras)*, or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay, incorporated by the said Acts respectively.

Construction of Act.

XI. This Act shall be deemed to be incorporated with and to form part of the said Act XIX. of 1857.

SCHEDULE.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The Liability of the Shareholders is limited.
The Capital of the Company is
divided into Shares of
Rupees each.
The number of Shares issued is
Calls to the amount of
per Share have been made, under which the sum
of Rupees has been received.

The Liabilities of the Company on the first day of January (or July) were—

	Rs. a. p.
Notes issued.....	
Deposits not bearing Interest.....	
Deposits bearing Interest	
Seven Day and other Bills	
Total..	

The Assets of the Company on that day were—

Government Securities.....	
Bills of Exchange.....	
Loans on Mortgage.....	
Other Loans.....	
Bank Premises.....	
Other Securities, exclusive of..... unpaid Calls on Shares.....	
Total..	

Dated the first day of or one thousand eight hundred and .

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

30th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 27th August 1859, and was referred to a Select Committee, who are to report thereon after the 3rd of December next:—

A Bill to prevent the Over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

Preamble.

Whereas it is necessary to prevent the over-crowding of Vessels carrying Native Passengers across the Bay of Bengal from and to Ports in the Presidency of Fort Saint George, and between such Ports and Ceylon, and from and to Chittagong and other Ports in the Province of Orissa; It is enacted as follows:—

Act repealed.

I. Act I. of 1857 is hereby repealed.

Number of Native Passengers to be carried in unlicensed Vessels.

II. No Vessel shall carry Native Passengers from any Port or place under the the Presidency of Fort St. George, or from Chittagong, or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon; or from any Port or place on the Eastern Coast of the Bay of Bengal, or in the Straits of Malacca, to any Port or place under the Presidency of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such Vessel, without a licence.

Number of Native Passengers to be carried in licensed Vessels.

III. No Vessel shall be licensed to carry Passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the Vessel has space on a deck or platform under hatches reserved for the accommodation of the Passengers in the proportion of six superficial feet for every Passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a Vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palk's Strait to any Port or place in Ceylon, which may be licensed to carry a number of Passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the Passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the Passengers on the deck or decks of the Vessel be not less than four superficial feet for each Passenger.

Exception as to licensed Vessels sailing in ballast from certain parts of the Coast of Ceylon.

Penalty on Master of unlicensed Vessel.

IV. The Master or Tindal of any Vessel which shall carry Native Passengers on any such voyage as aforesaid, without a licence, in a proportion exceeding that laid down in Section I., shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of such proportion.

Penalty on Master of licensed Vessel.

V. The Master or Tindal of any licensed Vessel which shall carry on any such voyage a greater number of Passengers than is specified in the licence, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of such number, or for each Passenger who is not provided with accommodation agreeably to the licence.

Government to appoint Ports for shipment of Passengers, when the number of Passengers to be carried is greater than one to every four tons of burden.

VI. Passengers in a greater number than one Passenger to every four tons of the burden of any Vessel, shall not be shipped from the territories under the Government of Fort St. George, or from the Province of Orissa, for Ceylon, or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca; or from the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, for the said territories or Province or for Chittagong, except from such Ports as shall be from time to time appointed by the local Government by an Order published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify; and the Master or Tindal of any Vessel who shall take on board Passengers for such voyage from any other Port or place in a greater proportion to the burden of the Vessel than is abovementioned, shall be liable to a fine not exceeding twenty Rupees for each Passenger embarked.

Grant of licences to Vessels.

VII. It shall be at the discretion of the Collectors of Sea Customs for the Ports appointed for shipping Native Passengers, or such other persons as the local Government may from time to time appoint for the purpose, to grant licences to Vessels under this Act. Provided that such licences shall not be granted, except for Vessels within the exception in Section II. till the Vessels have been surveyed according to such directions as shall be given from time to time by such local Government. The licence shall describe the Vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew; and shall specify the number of Passengers she may carry, and the space to be assigned for their accommodation.

Certain licensed Passenger Vessels to carry provisions according to appointed scale.

VIII. The Master or Tindal of any Vessel licensed to carry Passengers from any Port in the territories under the Government of Fort St. George, or from Chittagong, or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca; or from any Port on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, to any Port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, which shall proceed on such voyage, not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the local Government published in the Government Gazette, and in the Straits Settlement in such manner as the Governor

shall notify, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of the number fully supplied with provisions and water according to such scale.

Penalty for omitting to supply Passengers with prescribed allowance of food and water.

IX. The Master or Tindal of any Vessel licensed to carry Passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every Passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every Passenger who has suffered privation thereby.

Supply of provisions on board Passenger Ships plying to and from Ceylon.

X. The Master or Tindal of any Vessel licensed to carry Passengers from any Port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the Passengers according to a scale to be fixed by the Collector of Sea Customs for such Port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the Port, shall be liable to a fine not exceeding one hundred Rupees.

List of Passengers to be signed by Master.

XI. The Master or Tindal of any Vessel licensed to carry Passengers as hereinbefore provided, shall sign and deliver, in duplicate, to the principal Officer of Customs at the place of embarkation, or such other person as the local Government may, from time to time, appoint for the purpose, a list, according to the form annexed to this Act, of all Passengers to be conveyed in such Vessel; and such Officer, after satisfying himself of the correctness of the same, and that the number of Passengers authorised is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the Port to which the Vessel is bound; and should any additional Passengers engage to proceed by such Vessel after such list has been so countersigned,

Additional Passengers.

the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port Clearance till this rule is complied with.

Penalty for bringing Native Passengers into any Port on the Eastern Coast of the Bay of Bengal from any Foreign European Settlement, in excess of authorised proportion.

XII. If any Vessel, bringing Native Passengers into any Port or place whatsoever on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, from any Foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of Passengers than in the proportion prescribed in Section I. of this Act, the Master or Tindal of such Vessel shall be liable to a penalty of twenty Rupees for each Passenger in excess of such proportion.

Penalty for impeding entry or inspection.

XIII. The principal Officer in charge of the Customs at the Port of embarkation or of destination, or any person authorised by him, shall be at liberty at all times to enter and inspect any Passenger Vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty on landing Passenger at a place other than that at which he has contracted to land.

XIV. If any Native Passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

Passenger's right of action preserved.

XV. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

Adjudication of offences and recovery of penalties.

XVI. All offences against this Act shall be punishable in a summary manner by a Magistrate. If the person directed to pay any penalty is the Master or Owner of a Ship, and the same is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct, by warrant, the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and apparel.

Sum ordered to be paid leviable by distress on ship.

Jurisdiction.

XVII. For the purpose of the adjudication of penalties under this Act, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Application of penalties.

XVIII. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

Interpretation. "Magistrate"

XIX. The word "Magistrate" in this Act shall include a Magistrate of Police appointed under Act XIII. of 1856, a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate.

"Local Government."

The words "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the said territories where the Port or place in question is situate.

SCHEDULE.

Form.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) ———,
Master.

(Countersigned) ———,
Principal Officer of Customs.

Note.—In the case of vessels carrying Passengers to Ceylon, it will be sufficient to insert the number, and not the names, of Passengers in Column 5.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th September 1859.

The following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be re-considered after three months:—

A Bill for Simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.

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

Preamble.

Chapter I.

OF THE JURISDICTION OF THE CRIMINAL COURTS.

1. The Criminal Courts of the several grades, according to the powers vested in them respectively by any law for the time being in force, shall take cognisance of all offences punishable under the Penal Code or under any special or local law, except offences which are by any such law made punishable by some other authority therein specially mentioned.

Offences cognisable by Criminal Courts.

2. The Criminal Courts shall have jurisdiction over all persons in respect of such offences, except such persons as by any Act of Parliament or by any Regulation of the Codes of Bengal, Madras, and Bombay respectively, or by any Act of the Governor General of India in Council, are or shall be expressly exempted from such jurisdiction.

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

3. No person whatever shall, by reason of place of birth or by reason of descent, be exempt from the rules of Criminal Procedure. Provided that nothing in this Section shall be held to authorise 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.

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

Proviso.

4. Except where otherwise expressly provided by this Act, every offence shall be inquired into and determined and the offender prosecuted and punished in the district or division 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.

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

Proviso.

5. When a person shall be accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into and determined and every such offender prosecuted and punished in any district or division in which any such thing shall have been done, or any such consequence shall have ensued.

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

6. The abetment of an offence wherever such abetment shall have taken place, may be inquired into and determined in any district or division in which the offence abetted may be inquired into and determined by any Court which has jurisdiction to try such offence, as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed; or the abetment may be inquired into and determined in any district or division within which the abettor has done anything for abetting the commission of such offence.

Abetment.

7. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether subject to the same local Government or not, or shall be begun in one district or division and completed in another, every such offence may be inquired into and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

Offence committed on boundary.

8. Where 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 and determined in any district or division 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 it had been actually committed in such district or division; 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, such offence may be inquired into and determined in either of the said districts or divisions 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 been committed in such district or division.

Offence committed during journey, &c.

9. Whosoever shall fraudulently receive or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Receiving, &c. stolen property.

10. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, appropriated, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or appropriated, or converted such property, may be prosecuted and punished for any offence committed thereby.

Unlawfully receiving or having in possession property.

11. Any person convicted of an offence who 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, may be prosecuted and punished either in the district or place where he shall be apprehended and re-taken, or in the district in which he shall have escaped from custody.

Escape from lawful custody under sentence.

12. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Returning from transportation or banishment.

13. Whenever any doubt shall arise as to the district or division in which any offence should be inquired into or any offender prosecuted, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended to determine in which district or division the inquiry or prosecution shall take place.

Sudder Court to decide when doubt arises as to the jurisdiction where an inquiry shall take place.

14. It shall be competent to the Sudder Court to direct 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, whenever it shall appear to the satisfaction of such Sudder Court that the transfer will promote the ends of justice, or tend to the general convenience of the parties and witnesses.

Sudder Court may transfer any case from one jurisdiction to another.

15. It shall be competent to a Magistrate to withdraw any Criminal case from any Court of a Deputy Magistrate of either class within his district, and to try the case himself, or to refer it for trial to any other such Court of equal or superior jurisdiction.

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

Chapter II.

PRELIMINARY RULES.

16. In all Criminal Courts, complainants and witnesses shall be examined according to the provisions of the law for the time being in force in relation to the examination of complainants and witnesses.

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

17. In all cases where, 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, 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.

Court may apply portion of fine in compensation for loss caused.

18. 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 8 and 9, Chapter III., of the Penal Code in awarding the period of imprisonment in default of payment of the fine: provided, however, that, in such cases decided by the Magistrate and subordinate Criminal Courts, 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 or subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether the offence be punishable with fine only or otherwise, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of the Court.

Levy of fines.

20. It shall be competent to the Government to empower any subordinate Criminal Court to hold the preliminary inquiry into cases triable by the Court of Session, or by any of the Supreme Courts of Judicature, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

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

21. No person shall be empowered by Government to hold a preliminary inquiry into cases triable by any of the Supreme Courts of Judicature, or to arrest, hold to bail, or commit any European British subject, unless the person so authorised is a Covenanted servant of Government or a European British subject.

Only Covenanted servants and European British subjects to be so empowered in certain cases.

22. Nothing in the foregoing Section shall be taken to prevent any Officer, exercising the lawful powers of Magistrate, from hearing a complaint against a European British subject, and issuing a warrant of arrest or holding to bail any European British subject so charged, with a view to the complaint being investigated before a Magistrate authorised as provided in the last foregoing Section.

Foregoing Section not to prevent any Officer, having a Magistrate's powers, from issuing a warrant against a European British subject.

23. When a European or American has been arrested or held to bail under a warrant issued by an Officer not being a Covenanted servant or a European British subject, such Officer shall forthwith forward him to the Magistrate of the District, or to some other Officer exercising the powers of a Magistrate who is a Covenanted servant or a European British subject.

Procedure when a European is arrested by an Officer not being a Covenanted servant, &c.

Chapter III.

OF THE SUMMONS AND WARRANT OF ARREST.

24. Where an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

25. A summons or a warrant of arrest may be obtained on such complaint as is described in the next succeeding Section.

Complaint.

26. Every complaint made before a Magistrate, or other Officer having any of the powers of a Magistrate, and who is also authorised to receive cases without reference from a Magistrate, in order to the issuing of a summons or a warrant against a person accused of any offence either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the Magistrate or other Officer issuing the summons or warrant.

To be reduced into writing and signed.

27. Upon such complaint duly made before a Magistrate or other Officer as aforesaid, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other Magistrate or Officer or Court having jurisdiction; and if, in the judgment of such Magistrate or other Officer, there be no sufficient ground, he shall dismiss the complaint whether it be direct or on suspicion only.

Magistrate how to proceed on complaint.

28. Except as is otherwise provided in Chapter X. of this Act, a Magistrate or other Officer as aforesaid may, without any complaint, take cognisance of any offence which may come to his knowledge, and may issue a summons or warrant of arrest against the party known or suspected to have committed such offence in the same manner as if a complaint had been made against such person. This Section shall not apply to the offences described in Chapters XX., XXI., and XXII. of the Penal Code.

Magistrate may take cognisance of offences without complaint made.

Proviso.

29. Every summons issued by a Magistrate or other Officer as aforesaid to a person so accused shall be in writing, under the signature and seal of the Magistrate or other Officer issuing it, 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.

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

Summons how to be served.

31. A Magistrate or other Officer as aforesaid may, notwithstanding such summons, either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

32. A Magistrate or other Officer as aforesaid of one district or division may grant a warrant for the apprehension of a suspected offender within that district or division, as the case may be, in respect of an offence of which the law takes cognisance committed in a different district or division, or on the high seas, or in a foreign country.

Warrant when grantable for an offence committed beyond local jurisdiction.

33. In the preceding Sections, and any other Section of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is described, the term "inquired of," shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless, in any such case, there be something in the subject or context repugnant thereto.

Definition of certain terms.

"inquired of."

"determined."

"prosecuted and punished."

34. The local jurisdiction of the Magistrate of a zillah or district shall, for the purposes of this Act, be deemed a district; and the local jurisdiction of a Deputy Magistrate, when such Deputy Magistrate is invested with jurisdiction in a particular part of the district, shall be deemed a division.

What is a district, and what a division.

Chapter IV.

OF THE WARRANT AND ITS EXECUTION.

35. Every warrant shall be in writing, and shall be signed and sealed by the Magistrate or other Officer issuing it, and shall be in the form (B) given in the Appendix, or to the like effect.

Form of warrant.

36. A warrant directed to several persons may be executed by all or by any one or more of them.

To several persons jointly.

37. A warrant directed to a superior Officer of Police or to a Nazir or other proper Officer of a Court, may be executed by any Officer subordinate to such superior Officer of Police or Officer of the Court respectively, whose name shall be endorsed upon the warrant by the Officer to whom the same is directed.

To a superior Officer of Police or Nazir.

38. A Magistrate or other Officer authorised to issue a warrant or other Criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Officers issuing a warrant may personally superintend its execution.

39. A warrant directed to any other person than an Officer of Police or of a Court shall be executed by that person: provided, nevertheless, that any other person may aid in executing such warrant, if the person authorised to execute the same be near at hand and acting in the execution of the warrant.

Warrant directed to a person not an Officer of Police or Nazir.

40. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the taking of an offender, the preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

All persons bound to assist in certain cases.

41. A warrant issued by any Magistrate or other Officer as aforesaid must be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate or other Officer by whom it was issued, or of the Magistrate or other Officer by whom it has been duly endorsed for execution.

Where a warrant of a Magistrate must be executed.

42. In case any person against whom a warrant shall be issued by any Magistrate or other Officer as aforesaid shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the Magistrate or other Officer granting such warrant, the Magistrate or other Officer of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place shall be subject to the same local Government or not, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the Magistrate or other Officer who endorsed such warrant, and to apprehend and carry such person before the Magistrate or other Officer who endorsed such warrant, or before the Magistrate or other Officer of the district where the offence was committed. In case such person be carried before the Magistrate or other Officer who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be dealt with in the manner hereinafter described in Section 122. If the offence be not bailable, he shall be forwarded to the Magistrate or other Officer of the district in which such offence was committed.

Warrant endorsed in another jurisdiction.

43. Provided that it shall be competent to a Magistrate or other Officer issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the Magistrate or other Officer of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the Magistrate or other Officer 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. On such person being apprehended and carried before the Magistrate or other Officer who

Warrant to be endorsed may be sent by post.

endorsed the warrant, he shall be dealt with as provided in the last preceding Section.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

44. If a person for whose apprehension a warrant has been granted by a Magistrate or other Officer under the provisions of Section 32 is suspected of an offence committed in a different district, the Magistrate or other Officer granting the warrant shall, unless he is authorised by any law to complete the inquiry himself, send the person arrested to the Magistrate or other Officer of the district in which the offence was committed, or take bail for his appearance before such Magistrate or other Officer if the offence of which he is suspected is bailable in law; and in all other instances the Magistrate or other Officer shall report the case for the orders of the Sudder Court.

Officer how to proceed in such cases.

45. If the warrant under Section 32 shall have been granted by any Officer subordinate to a Magistrate, such Officer shall send the person arrested to the Magistrate to whom he is subordinate, unless the offence of which the person arrested is suspected shall have been committed in the jurisdiction of another subordinate Officer of the same district; in which case the Officer who granted the warrant shall send the person arrested to the Officer of the division in which such offence was committed.

Warrant how to be executed.

46. In making an arrest the 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.

No unnecessary restraint.

47. After arrest the person arrested shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of substance of warrant.

48. An Officer or other person executing a warrant of arrest shall notify the substance of the warrant, and, if required so to do, shall show the warrant.

Resisting an endeavour to arrest.

49. 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 person executing the warrant to use all such means as may be necessary to effect the arrest.

Breaking of outer door or window.

50. Any person authorised by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or innerdoor or window of a dwelling-house, 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 open a zenanah or female apartment.

51. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the Officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused, and, if such person shall not deliver himself up, the Police Officer or other person authorised to execute the warrant may break open the zenanah, and execute the process intrusted to him, first giving notice to any woman in the zenanah that she is at liberty to withdraw.

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

52. After arrest made, the Officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate or other authority described in the warrant.

No threat, promise, or caution, as to disclosure by party arrested.

53. No Officer or other person shall offer to the person arrested any inducement, by threat, or promise, or otherwise, to make any disclosure. But no 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.

Chapter V.

OF ARREST WITHOUT WARRANT.

Arrest on view.

54. A Police Officer or other person who sees any offence committed for which a warrant may issue, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

55. A Police Officer may, without warrant, arrest, of his own authority, a person against whom a reasonable complaint is made, or against whom there exists reasonable suspicion of his having committed an offence for which a warrant may issue, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

56. A Police Officer or other person may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in an offence.

A party liable to arrest concealing himself.

57. If a person liable to arrest without warrant under the foregoing rules, shall enter into and conceal himself in a dwelling-house, the person authorised to make the arrest shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the Magistrate or Head Officer of the Police Division; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

58. A Police Officer may, of his own authority, interpose for the suppression or prevention of a breach of the peace committed or attempted to be committed in his view; and, in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a Police Officer in his duty.

59. A Police Officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the Magistrate, or before the Head Officer of the Police Division.

Party arrested to be taken immediately before the proper authority.

60. A Police Officer or other person, having arrested a person for an offence, shall take or send him before the Magistrate or the Head Officer of the Police Division without unnecessary delay.

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

61. Where any offence is committed in the presence of any Magistrate or other Officer authorised to issue a warrant, he may order any person to arrest the offender, and may thereupon commit him to custody, or, at his discretion, where the offence is bailable, may admit him to bail.

Chapter VI.

OF ESCAPE AND RE-TAKING.

Person arresting may retake on escape, and deal with the party arrested as on original taking.

62. If a person lawfully arrested on any Criminal process shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued, to make fresh pursuit, and retake him in any place, either within or without the jurisdiction where he was so in

custody, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

63. In order to re-take any person within the meaning of the last preceding Section, the person so making fresh pursuit as is therein described may adopt the same measures as he might have done on the original taking.

Chapter VII.

OF SEARCH WARRANT.

When grantable by a Magistrate.

64. Whenever a Magistrate or other Officer having jurisdiction in respect of an offence supposed to have been committed, shall consider that the production of anything will be essential to the conduct of an inquiry into such offence, 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 dwelling or place. In such case the Magistrate shall, if he think right, specify in his warrant the dwelling or place, or part thereof, to which only the search shall extend.

How to be directed.

65. The Magistrate or other Officer shall direct his warrant to the Head Officer of a Police Station within whose jurisdiction the dwelling or place to be searched is situate, or to any other Police Officer to whom the Magistrate or other Officer may think fit to commit the execution of that duty. A warrant directed to a Head Officer of a Police Station may, in the event of such Officer not being able to proceed in person, be executed by any Officer subordinate to such Head Officer above the rank of a peon or burkundaz.

How to be executed out of jurisdiction of the Magistrate.

66. Whenever it may be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate or other Officer issuing the warrant, the Magistrate or other Officer of the jurisdiction within which the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the person charged with the execution of such warrant to execute the same, or the search warrant may be directed to the Magistrate or other Officer within whose jurisdiction the search is to be made, and such Magistrate or other Officer 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.

When a Magistrate may grant a search warrant out of his jurisdiction.

67. Provided that, in any case of emergency, a Magistrate or other Officer may grant his warrant for the search of anything concealed, or supposed to be concealed, in a dwelling or place out of his jurisdiction, and may direct that it be executed without obtaining the endorsement of a Magistrate or other Officer within whose jurisdiction the search is to be made. When a Magistrate or other Officer grants a warrant under this Section, he shall inform the Magistrate or other Officer of the district in which the dwelling or place to be searched is situate.

Breaking of door.

68. If the door of the dwelling or place be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of a zenanah or female apartment.

69. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the Officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such Officer may enter the zenanah 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.

Search to be made in the presence of witnesses.

70. The search is to be made in the presence of two or more respectable inhabitants of the place in which the dwelling or place searched may be situate, and such persons shall subscribe their names to the report made to the Magistrate or other Officer; but such persons shall not be required to attend as witnesses unless specially summoned by order of the Magistrate or other Officer. The occupant of the house, or some person in his behalf, shall, in every instance, be permitted to attend during the search.

Occupant of the place searched may attend.

Property, &c. to be sent to the Magistrate.

71. All property claimed as having been stolen, as well as all property suspected to have been stolen which is found on persons accused of robbery or theft, or which is seized by Police Officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded, without delay, together with a list, to the Magistrate.

Search of house, &c. suspected to contain forged documents, &c.

72. If a Magistrate, upon information, and after such inquiry as he may think necessary, has reason to believe that any house, room, or other place is used as a place of deposit or sale, or as a place for the manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or that any forged documents or counterfeit stamps or false seals, or any counterfeit coin or instruments used for counterfeiting coin, are kept or deposited in any house, room, or other place, he may, by his warrant, authorise any Officer of Police above the rank of a peon or burkundaz to enter with such assistance as may be found necessary, by night or by day, and by force, if necessary, any such house, room, or other place, and to search, in manner aforesaid, all such parts of the same as shall be specified in the warrant, and to seize and take possession of all documents, stamps, seals, or coins therein found, which he may reasonably suspect to be forged, false, or counterfeit, and also of all such instruments as aforesaid.

Chapter VIII.

PRELIMINARY INQUIRY BY THE POLICE.

Offences cognisable by Head Officer of a Police Station.

73. The Head Officer of a Police Station may take cognisance, without orders from the Magistrate, of any of the undermentioned offences punishable under the Penal Code, namely:—

Chapter VII. Offences relating to the Army and Navy.

Chapter VIII. Offences against the public tranquillity, except the offences described in Sections 14 and 15.

Chapter IX. The offences by or relating to public servants described in Sections 10 and 12.

Chapter X. Contempts of the lawful authority of public servants, so far as regards offences committed in contempt of his own authority.

Chapter XI. The offences against public justice described in Sections 21, 24, 32, 34, 36, and 37.

Chapter XII. Offences relating to Coin and Government Stamps, except the offences described in Sections 32, 33, 34, and 35.

Chapter XIII. Offences relating to Weights and Measures.

Chapter XIV. The offences affecting the public health, safety, convenience, decency, and morals, described in Sections 2, 3, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 24, 25, and 26.

Chapter XV. The offences relating to Religion, described in Sections 1, 2, and 3.

Chapter XVI. Offences affecting the Human Body, except the offences described in Sections 14, 15, 16, 17, 18, 47, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63.

Chapter XVII. Offences against Property, except the offences described in Sections 5, 6, 7, 8, 9, 10, 11, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52.

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

74. Police Officers shall not, without express orders from the Magistrate, take cognisance of any offences punishable under the Penal Code other than those above described, or under any special or local law. But it shall be competent to the Magistrate, upon the report of a Police Officer or otherwise, to direct inquiry to be made by the Officers of Police into any offence punishable under the Penal Code or under any special or local law.

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

75. Upon complaint or information being preferred to a Head Officer of a Police Station of the commission, within his jurisdiction, of any offence of which such Officer is empowered to take cognisance, he shall proceed in person, or depute one of his Subordinate Officers to proceed to the spot, to inquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery or apprehension of the offenders.

Except in cases of a trivial nature where local inquiry not necessary.

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

Complaint, &c. to be in writing.

77. Every complaint, on information preferred to a Head Officer of a Police Station, shall be reduced to writing, and entered in the Diary kept by such Officer.

Issue of warrant by Head Officer.

78. A Head Officer of a Police Station may issue a warrant for the arrest of any person who is accused, or against whom there may be reasonable ground of suspicion, of having been concerned in the commission of any offence of which such Officer is empowered to take cognisance; and the provisions respecting warrants contained in Chapters IV. and V. shall be applicable to warrants issued by such Officers.

Witnesses to be summoned.

79. The Head Officer of a Police Station may also issue summonses for the attendance of any persons who, from the statement of the complainant or otherwise, appear to be acquainted with the facts and circumstances of the case.

Issue of search warrants by Head Officer.

80. The provisions in Chapter VII. respecting search warrants, shall be applicable to search warrants issued by a Head Officer of a Police Station.

Search warrant when grantable by a Head Officer of Police.

81. Whenever a Head Officer of a Police Station shall consider that the production of anything will be essential to the conduct of an inquiry into any offence which he is authorised to inquire into, he may grant his warrant to search for such thing in any dwelling or place within his division which shall be specified in his warrant; and it shall be lawful for the Officer legally charged with the execution of such warrant to search for such thing in such dwelling or place.

How to be executed.

82. The Head Officer shall, if practicable, conduct the search in person; but, if unable to proceed in person, shall direct his warrant to any Police Officer of his division above the rank of a peon or burkundaz.

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

83. A Head Officer of a Police Station may require the Head Officer of another Police Station, whether subject to the same Magistrate as himself or to the Magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

Police may pursue offenders into other jurisdictions.

84. It shall be lawful for the Head or other Officer of Police to pursue persons accused of the offences described in Section 73 into the jurisdiction of another Head Officer of a Police Station, whether subject to the same Magistrate as himself or to the Magistrate of any other district, whether such place be within the same Presidency or under the same local Government or not.

Oral examination of witnesses by Police.

85. The examination of witnesses by the Police shall be taken on the spot where the inquiry is held in the presence of the Head Officer of a Police Station, or, in the event of his absence, in the presence of any Officer above the rank of a peon or burkundaz. It shall be lawful for the Head or other Officer of Police to examine orally any person who is supposed to be acquainted with the facts and circumstances of the cause: but the statement made by the person so examined shall not be signed by him or treated as part of the record or forwarded or used as evidence. Provided that nothing in this Section shall preclude such Head or other Officer of Police from reducing to writing the statement made by any witness.

Proviso.

No inducement to be offered to accused persons to confess.

86. 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.

Police Officer not to record confession.

87. It shall not be competent to a Head or other Officer of Police to record any admission or confession of guilt which may be made before him by a person accused of a Criminal offence. Provided that nothing herein contained shall preclude any such Officer from reducing any such admission or confession to writing for his own information or guidance.

Proviso.

Confession made to Police Officer shall not be used as evidence.

88. No confession or admission of guilt made to a Head or other Officer of Police shall be used as evidence against a person accused of any Criminal offence.

Confession made while the accused is in custody of the Police shall not be used as evidence.

89. No confession or admission of guilt made by any person accused of a Criminal offence whilst such person is in the custody of the Police shall be used as evidence against the prisoner.

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.

90. 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 Criminal offence, then so much of such information, whether it amounts to a confession or admission or not, as relates distinctly to the fact discovered by it, may be given in evidence.

Inquiry by the Police.

91. The Head or other Officer of Police shall complete the inquiry with as little delay as possible. If the

person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, he shall be forwarded under custody to the Magistrate; and the Head or other Officer of Police shall bind over the prosecutor and witnesses to appear on or before a fixed day before the Magistrate. But when, in any case, a Subordinate Officer of Police has made the inquiry, he may be required by the Head Officer of Police to submit his proceedings to him, or may do so without such instruction; and the Head Officer shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the Police beyond 48 hours without special authority.

92. Provided that it shall not be lawful for the Head or other Officer of Police to detain the accused in custody, without the special orders of the Magistrate, for a longer period than, under all the circumstances of the case, is reasonable, such period in no case to exceed forty-eight hours. If the inquiry has not been completed within forty-eight hours, the Head or other Officer of Police, on his being satisfied that there are grounds for believing that the accusation is well founded, shall nevertheless forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested.

Head Officer how to proceed in cases of deficient evidence.

93. If it shall appear to the Head or other Officer of Police that there is not sufficient evidence or reasonable ground of suspicion to warrant the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognisance, to appear when required, and submit his proceedings for the orders of the Magistrate.

Daily record of proceedings.

94. In all cases the Head or other Officer of Police shall, day by day, record his proceedings by way of diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his inquiry, the place or places visited by him, and a brief statement of the circumstances elicited by his investigation, and shall forward, day by day, a copy of such record to the Magistrate.

Proceedings of the Head Officer of what to consist.

95. In all cases, in submitting his proceedings to the Magistrate, the Head or other Officer of Police shall forward the statement of the person complaining, with a brief report of 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 property which it may be necessary to produce before the Magistrate. The Officer shall state in his report whether he has forwarded the accused in custody, or released him on bail or on his own recognizance.

If Head Officer see no sufficient ground for an inquiry.

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

Bail.

97. Persons accused of the commission of any of the offences entered as not bailable in the third column of the Schedule* of offences hereto annexed, shall not be admitted to bail, if there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the Magistrate, the Head Officer of a Police Station shall accept such bail, and release the party apprehended.

When security for keeping the peace to be required.

98. In cases of manifest necessity, when the Head Officer of a Police Station may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace until the time of such appearance; and the surety or sureties shall execute a recognisance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the Magistrate.

Police to report all apprehensions.

99. The Officers of Police shall report to the Magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged except on bail, or on his own recognisance, or under the special order of the Magistrate.

Bail not to be excessive. Terms of security.

100. The bail to be taken for appearance before the Magistrate, in pursuance of Section 97, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the Magistrate on or before a fixed day, to answer the complaint.

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

101. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognisances before the Police Officers, to appear before the Magistrate on a specific day, which shall be the day whereon the accused may be bound to appear if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the Magistrate's place of residence if he is to be forwarded under custody. The Police Officer in whose presence the recognisance may be executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the Magistrate or the Nazir of his Court, unaccompanied by any Officer of Police.

Witnesses not to be subjected to restraint.

102. The Police Officers 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 recognisances; but, if any prosecutor or witness shall refuse to attend, or to execute the recognisance directed in the last preceding Section, it shall be competent to the Head Officer 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 recognisance, or until the hearing before the Magistrate.

Recusant witness may be forwarded in custody.

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

103. It shall be the duty of the Head Officer of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately 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 inquiry, and report the apparent cause of death, describing any marks of violence which may be found on the body, and stating in what manner or by what weapon or instrument they appear to have been inflicted. The report shall be signed by such

* See Schedule annexed to the Bill as published in the *Gazette* of the 9th April 1857.

Police Officer and other persons or by so many of them as shall concur therein, and shall thereupon be forthwith forwarded to the Magistrate. Where there may be any doubt regarding the cause of death, such Police Officer shall forward the body to the Magistrate with a view to its being examined by the Civil Surgeon, if the state of the weather and distance from the Magistrate's Court will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay, it shall be the duty of the Head of the Village in like manner to make inquiry and report as aforesaid, unless the Head Officer of a Police Station shall himself make inquiry and report.

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

104. The powers to be exercised by the Head Officer of a Police Station under the foregoing rules shall be exercised, in the event of his absence or illness, by the Head Police Officer present at the Police Station above the rank of a peon or burkundaz.

Service of process issued by the Police.

105. All processes in Criminal cases cognisable by the Police Officers shall be served by the peons or burbundazes at the Police Station, without any charge to the parties or witnesses.

Interpretation of "Magistrate" as used in this Chapter.

106. The word "Magistrate," as used in this Chapter, shall include any Deputy Magistrate placed in immediate charge of a division and authorised to receive cases without reference from the Magistrate.

Chapter IX.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI., Clause 39, of the Penal Code.

107. When any such offence as is described in Section 39 of Chapter XI. of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognisance of the same, and to adjudge the offender to punishment as authorised by the said Section.

Contempt of lawful authority under Chapter X. of the Penal Code.

108. When any of the offences described in Chapter X. of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognisance of the same, and to adjudge the offender to punishment as authorized by the Section applicable thereto. Where a person has been sentenced to punishment under the provisions of this Section, for refusing or omitting to do anything which he was required to do, it shall be competent to the Court to remit the punishment on the submission of the offender to the order or requisition of such Court.

Punishment may be remitted on submission of the offender.

Ordinary powers of punishment not to be exceeded.

109. Provided that, in fixing the measure of punishment for any of the offences referred to in the last two preceding Sections, no Magistrate or Deputy Magistrate shall exceed his ordinary powers of punishment, and that no Civil Court, subordinate to the Chief Civil Court of the District, shall adjudge a heavier punishment than fine to the amount of One Hundred Rupees, or imprisonment for a period of Three months.

Chapter X.

PROSECUTIONS IN CERTAIN CASES.

Prosecutions for certain offences not to be instituted but under authority of Government, or of a duly empowered Officer.

110. Charges of offences punishable under Chapter VI. of the Penal Code shall not be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or the Governor in Council of any Presidency, or by order of, or under authority from, a public Officer empowered by the Governor General in Council to direct or authorise such prosecution, or unless instituted by the Advocate General.

Prosecution for certain offences under Chapter X. of the Penal Code not to be instituted but with the sanction of the public servants concerned.

111. In cases of contempt of the lawful authority of public servants, and other offences against public servants as such, described in Chapter X. of the Penal Code, except the offence described in Section 26 of the Chapter, prosecutions shall not be instituted in the Criminal Courts but with the sanction of the public servants concerned, or, if they are inferior ministerial servants, with the sanction of their official superiors.

For certain offences under Chapter XI. of the Penal Code, but with the sanction of the authority before which the offence was committed.

112. In cases of offences against public justice, described in Sections 3, 4, 5, 6, 9, 10, 16, 17, 19, 20, and 39, of Chapter XI. of the Penal Code, no prosecution shall be instituted in the Criminal Courts but with the sanction of the Civil or Criminal Court before or against which such offence was committed, or of some other Court, to which such Court is subordinate. Except in the case of the offence of fraudulently obtaining a decree, as described in Section 19 of Chapter XI. of the said Code, such sanction may be given at any time, either before or after the determination of the case in which the offence was committed.

Prosecution for certain offences relating to documents not to be instituted but with the sanction of the Court in which such documents were given in evidence.

113. In cases of offences relating to documents described in Sections 1, 10, 14, and 15, Chapter XVIII. of the Penal Code, when the document shall have been given in evidence in any proceedings in any Court, Civil or Criminal, no prosecutions shall be instituted in the Criminal Courts by a party to such proceedings, but 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.

Mode of proceeding in cases mentioned in the three last preceding Sections.

114. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last three preceding Sections, the Court, after making such preliminary inquiry as may be necessary, may send the case for investigation to the Magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper.

Power of Court of Session in respect of such offences committed before it.

115. Provided that it shall be competent to a Court of Session to charge a person for any such offences committed before it or under its own cognisance, and to try such person upon its own charge. Provided also that, in any case triable by the Court of Session, it shall be lawful for any Court of Civil Judicature before which the offence was committed, instead of sending the case for investigation to the Magistrate, to complete the investigation itself and to direct the commitment of the accused person to the Court of Session.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

Procedure by Civil Court in such cases.

116. When any such commitment is made by order of a Court of Civil justice, 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, and the Magistrate shall bring the case before the Court of Session in like manner as if the preliminary inquiry had been made by himself.

Chapter XI.

OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

Complaint and Issuing of Process for causing the Attendance of the Accused.

Magistrate may issue his warrant.

117. In all cases where a complaint shall be made before a Magistrate having jurisdiction, that any person has committed, or is suspected to have committed, any of the offences specified in the Schedule as 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, it shall be lawful for such Magistrate to issue his warrant to apprehend such person: provided always, that in all cases it shall be lawful for the Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing, in the first instance, his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

May issue a summons instead of a warrant.

Postponement of issue of process.

118. 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 accused, and direct a previous inquiry to be made into the complaint, either by means of his Assistant or of any Deputy Magistrate or of the local Police Officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry shall lead the Magistrate to believe that the charge is well founded, and the offence is of the nature described in Section 117, it shall be lawful for him to issue his warrant or summons as therein directed: provided that nothing herein contained shall prevent the Magistrate from at once dismissing the complaint, if, in his judgment, there be no sufficient ground for proceeding with it.

May dismiss the complaint.

Magistrate may direct bail to be taken.

119. It shall be in the discretion of the Magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that, if such party be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate on a specified day to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the Officer shall forward the recognisance to the Magistrate.

Magistrate may dispense with the personal attendance of the accused.

120. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorised to act in his behalf: provided that it shall be in the discretion of the Magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate not restrained from issuing warrant or summons against a person suspected to have committed any such offence, without formal complaint.

121. Nothing contained in the last four preceding Sections shall be held to restrain the Magistrate from issuing his warrant for the apprehension, or his summons for the appearance of any person who is known or suspected to have committed any such offence as aforesaid, although no formal complaint shall have been laid against such person.

Arrest on warrant endorsed by a Magistrate of another district.

122. Where any such person as is mentioned in Section 42 and Section 43 shall be apprehended out of the jurisdiction of the Magistrate granting the warrant against him, and carried before the Magistrate who endorsed such warrant, the Magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the Magistrate granting the warrant, shall take bail of such person for his appearance before the Magistrate granting the warrant, release the person from custody, and forward the recognisance to the Magistrate granting the warrant.

Proclamation for an absconding party.

123. If any person accused of an offence absconds or conceals himself, so that, upon a warrant issued against him by a Magistrate, he cannot be found, the Magistrate shall, on proof that such person absconds or conceals himself for the purpose of avoiding the service of the process, cause a written proclamation requiring such person to appear to answer the complaint within a fixed period, not less than thirty days, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well as on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided, and may, at the same time, order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. 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 either by actual seizure by an Officer of the Magistrate's Court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within the time specified in the proclamation, the property under attachment shall be declared forfeited to Government.

Restoration of property declared to be forfeited.

124. In case any person whose property shall have been declared forfeited to Government under the last preceding Section shall, within one year after the attachment of his 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, his property or the proceeds thereof shall be restored to him.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

125. 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 are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said Magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

126. If any person so summoned 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, then, upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the Magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the Magistrate of another district, in order to its being executed out of the jurisdiction of the Magistrate who shall have issued the same.

127. If the Magistrate shall be satisfied by evidence before him that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for the Magistrate to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

In what cases warrant in the first instance.

128. 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 cause a proclamation requiring the attendance of such person to give evidence at a time and place to be named therein, to be affixed in some conspicuous place upon his house or place of abode; and, if such person shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of the moveable and immoveable property of such person, 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 the person may be liable under the provisions of the following Section.

If warrant cannot be served.

129. If, on the attachment of the property, 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 4 of Chapter X. of the 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.

If, on attachment, witness appear and satisfy Magistrate, his property to be released from attachment.

If he do not appear or satisfy Magistrate, property to be sold.

130. If any person summoned or brought before a Magistrate shall refuse to answer such questions as shall then 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 108 or Section 114.

Refusing to answer, may be committed to custody.

Examination of Parties and Evidence.

131. When a case is brought before a Magistrate, whether on complaint or on the report of a Police Officer or otherwise, in which a person is charged with 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 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.

132. 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, who shall be permitted to cross-examine them.

To be in the presence of the defendant, who may cross-examine.

133. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, not ordinarily in the form of question and answer, but in that of a narrative; and when completed shall be read over to the witness in the presence of the person accused if in attendance, and shall, if necessary, be corrected, and shall be signed by the Magistrate. 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 deposition as taken down in writing to be interpreted to him in the language in which it was given; when the evidence of a witness is given in English, the Magistrate may so take it down in his own hand. 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 shall require it. The Magistrate shall record such remarks as he may think material respecting the demeanour of any witness while under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, 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 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.

How the evidence is to be recorded.

134. 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 inquiry.

Power of Magistrate at any stage to summon and examine any person.

135. It shall be in the discretion of the Magistrate to examine the accused person at any stage of the inquiry, and to put such questions to him, from time to time, as he may consider necessary, until the inquiry before the Magistrate is completed.

Examination of defendant.

136. 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 to test the consistency of his relation, in the same manner as if he were a witness.

Magistrate how to proceed in case of confession.

137. No influence, by means of any promise or threat, shall be used to the accused person under examination, to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

138. 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 defendant how to be recorded.

139. Any person attending, although otherwise than 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 proceeded against as though he had been summoned on a charge made.

Any person attending may be detained for any offence committed by him.

140. It shall be at the discretion of the Magistrate to summon and examine any witness that may be offered in behalf of the accused person to answer or disprove the evidence against him.

Discretionary with the Magistrate to take evidence for the defence.

141. The provisions of Sections 126, 127, 130, and 133 shall be applicable to witnesses named in support of the defence.

Witnesses for the defence.

Conditional Pardon.

142. It shall be lawful for the Magistrate, recording his reasons for the same, to tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to the offence, 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 any other person or persons concerned in the perpetration thereof.

Magistrate may tender a pardon in certain cases.

143. 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 to whom a pardon may have been offered has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, it shall be competent to such Court to direct the commitment of such person for trial; and any statement made by such party after the conditional pardon is tendered, either before the Magistrate or the Court of Session, may be used as evidence against such person.

When Sudder Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

Statement of such person may be used in evidence against him.

144. In like manner 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, to instruct the Magistrate to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the 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.

Bail.

145. Where any person shall appear or be brought before a Magistrate accused of any of the offences entered as not bailable in the Schedule, 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 person accused and to require his committal; or such evidence shall be adduced on behalf of the person accused 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 judicial inquiry into his guilt, the person accused shall be admitted to bail.

Bail not to be taken for certain offences if proof of guilt.

When may be taken.

146. Where any person shall appear or be brought before a Magistrate accused of any of the offences entered as bailable in the Schedule, he shall be admitted to bail.

When bail shall be taken.

147. Where a Magistrate shall admit to bail any person accused or suspected of any offence, a recognisance, 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 inquiry, and, if required, shall appear when called upon at the Court of Session to answer the charge.

Recognisance of accused and sureties.

148. If, through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the Magistrate to find sufficient sureties, and in default may be committed to prison.

Insufficient bail.

149. If the accused when called upon cannot find sureties, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Bail may be taken any time before conviction.

150. After the recognisances shall have been duly entered into, the Magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some 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, who shall thereupon liberate him.

Discharge on bail.

151. The sureties for any person may at any time apply to the Magistrate to be discharged from their engagements, whereupon the Magistrate shall issue his warrant directing that the person be brought before him. On the appearance of the person pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the recognisances of the sureties to be discharged, and shall call upon the person to find other sureties, and in default may order him to be committed to prison.

Discharge of sureties.

152. Whenever, by reason of default of appearance of the party executing the personal recognisance, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognisance, he shall proceed to enforce the penalty by the attachment and sale of the property of such party.

Proceedings to compel payment of penalty by accused.

153. Whenever, by reason of default of appearance by the party bailed, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognisance 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 shall be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property; 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.

Proceedings to compel payment of penalty by sureties.

Warrant of Commitment.

154. Every warrant for the commitment of a person to custody shall be directed to some jailor, keeper, or other Officer or person having authority to receive and keep prisoners, either by his name or official description, and shall be in the form (C) given in the Appendix or to the like effect.

Warrant of commitment how to be directed, &c.

155. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not,

With whom to be lodged.

with his deputy; and if he has no deputy, it may be lodged with any Officer of the jail then being in the jail.

Adjournment.

When Magistrate may adjourn the inquiry.

156. If, from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of witnesses for any time, it shall be lawful for the Magistrate, by a written order, from time to time, to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided, also, 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 recognisance, with or without a surety or 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.

Discharge of the Accused.

When accused person to be discharged.

157. When a Magistrate finds that there are not sufficient grounds for putting the accused person on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Accused for Trial.

When defendant to be committed for trial.

158. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused 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 person accused shall be sent for trial by the Magistrate before the Court of Session.

Copy of charge to be furnished to accused person.

159. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation of it shall be furnished to him if he require it. He shall be at liberty, at any time within forty-eight hours after the reading of the charge, 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. The Magistrate shall receive the list, and summon the witnesses to appear before the Court before which the accused is to be tried. The provisions of Sections 126 and 127, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the accused in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to accused.

160. When the preliminary inquiry is concluded, the accused person shall be entitled to copies of the depositions made, at his own expense, if he demands them at a reasonable time before the trial.

Warrant of commitment.

161. 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 trials 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 a trial.

Recognisances of prosecutors and witnesses.

162. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute recognisances before the Magistrate 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 recognisance above directed, it shall be competent to the Magistrate to detain such prosecutor or witness in custody until he shall execute such recognisance, 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 XII.

ON THE CHARGE.

What the charge is to contain.

163. When the Magistrate has determined to send the accused person before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument, under his hand and seal, declaring with what offence the accused is charged, and within the cognisance of what Court the offence is, and shall direct the accused to be tried by such Court on such charge. In all cases sent for trial to the Court of Session, the Magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such Officer has been appointed, otherwise to the Court before which the defendant is to be tried. In the latter case, the Magistrate shall also send a copy of the charge to the Government Pleader, or other Officer or person appointed to conduct the prosecution.

How the offence is to be described.

164. The charge shall describe the imputed offence as nearly as possible in the language of the Penal Code, and shall refer to the Chapter and Section under which such offence is punishable.

Absence of General Exceptions under the Penal Code to be assumed.

165. It shall not be necessary to allege in the charge any circumstances 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 Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

166. It shall not be necessary at the trial, on the part of the prosecutor, to 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 be given on the part of the prosecutor.

Section of the Penal Code containing an exception not a General Exception.

167. Where the Chapter and Section itself 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 Chapter and Section, without a distinct denial of the existence of such circumstances.

Charge may contain one or more heads.

168. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

169. Where a charge contains one head only, the form shall be as follows, or to the same effect:—

Forms 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 Government, and that he

On Section 1, Chapter VI.

has thereby committed an offence punishable under Section 1 Chapter VI. of the Penal Code, (c) and within the cognisance of the [*style of the Court.*]

(d). And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

Where the Magistrate tries the case, there must be substituted for (c) the words "within my cognisance:" and the words "by the said Court" in (d) may be omitted,

To be substituted for (b),

On Section 3, Chapter VI.

(2). That he, on or about the day of at , 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 3, Chapter VI. of the Penal Code.

On Section 7, Chapter VIII.

(3). That he, on or about the day of at , committed the offence of rioting by being present at , and that he has thereby committed an offence punishable under Section 7, Chapter VIII. of the Penal Code, and within the cognisance of the [*style of the Court.*]

On Section 1, Chapter IX.

(4). 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 1, Chapter IX. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Section 6, Chapter XVI.

(5). 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 6, Chapter XVI. of the Penal Code, and within the cognizance of the [*style of the Court*].

On Section 8, Chapter XVI.

(6). 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 8, Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Section 27, Chapter XVI.

(7.) 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 27, Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Section 14, Chapter XVII.

(8.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under Section 14, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Section 17, Chapter XVII.

(9.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under Section 17, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Section 80, Chapter XVII.

(10.) That he, on or about the day of at , committed lurking house-trespass by night in the house of , and that he has thereby committed an offence punishable under Section 80, Chapter XVII. of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same form shall be followed, as nearly as may be, in charges with one head only, upon other Sections of the Penal Code.

Charges containing Two or more Heads.

Charges in cases falling within two or more Sections of the Penal Code.

170. 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 Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Sections.

Two or more offences punishable under the same Section.

171. When it appers to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Section of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Cases of doubt as to the Section which is applicable or the offence which may be proved.

172. When it appears to the Magistrate that the facts which can be established in evidence show a case within some one of two or more Sections of the Penal Code, but it is doubtful which of such Sections will be applicable,—or show the commission of one of two or more offences punishable under the same Section of the Penal Code, but it is doubtful which of such offences will be proved to have been committed,—the charge shall contain two or more heads, framed respectively on each of such Sections, or charging respectively each of such offences accordingly.

Form of charge of more than one head.

173. When a charge contains more heads than one, the form shall be as follows, or to the same effect:—

Forms of Charge.

I, A [*name and office of Magistrate, &c.*] declare that there is hereby made against Z the charge:—

On Sections 13 and 14, Chapter XII.

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 13, Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

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 13, Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Thirdly.—That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and has thereby committed an offence as punishable under Section 14 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate, &c.*]

On Sections 4 and 6, Chapter XVI.

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 4, Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

Secondly.—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he thereby committed an offence punishable under Section 6, Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

First.—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 2, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Sections 2 and 4, Chapter XVII.

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 4, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

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 4, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

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 4, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

First.—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 2, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Sections 2 and 28, Chapter XVII.

Secondly.—That he, on or about the day of at , committed criminal breach of trust, and that he has thereby committed an offence punishable under Section 28, Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Sections of the Penal Code.

174. It shall be competent to the Court, at any stage of a trial, to amend or alter the charge.

Amendment of charge.

175. 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.

When the trial may be immediately proceeded with after amendment.

176. 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 for such period as may be necessary to enable him 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 witnesses 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. If, after the reading of the amended or altered charge to the accused person, no postponement is considered necessary by the Court, the Court may at once proceed with the trial.

When a new trial may be ordered, or trial suspended.

177. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution.

Defendant may recall and cross-examine witnesses for prosecution.

Chapter XIII.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

When a Warrant on Complaint may issue against the accused Person.

178. In all cases where a complaint shall be 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 which is punishable under the 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 always, that, in all cases, it shall be lawful for the Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing, in the first instance, his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Cases in which Magistrate may issue a warrant.

Summons instead of warrant.

179. The provisions of Chapter XI. relating to the issuing of process for causing the attendance of the accused, the summoning and enforcing the attendance of witnesses, the examination of parties and evidence (except the provision relating to evidence in behalf of the accused in Section 140), the taking of bail, the warrant of commitment, the adjournment of a case, and the discharge of the person accused, shall be applicable to cases described in the last preceding Section.

Issue of process.

180. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person, as the Magistrate may consider necessary, have been taken, if the Magistrate find that no offence has been proved against the accused, he shall discharge him. If he finds that an offence is apparently proved against the accused, which falls within the definition in a certain Chapter and Section of the Penal Code, or within one or other of the definitions in several Chapters or Sections of the Code, he shall prepare, in writing, a charge against the accused in the manner prescribed in Chapter XII. of this Act.

Charge.

181. The charge shall then be read to the accused person, and, unless the case is one which, in the opinion of the Magistrate, ought to be tried by the Court of Session, he shall be asked whether he be guilty or not guilty of the offence charged.

Plea.

182. If the defendant plead "Not guilty," to the charge or refuse to plead, he shall be called upon to enter upon his defence and produce his witnesses, if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Plea of "Not guilty."

183. The Magistrate shall summon any witness, and examine any evidence that may be offered in behalf of the accused, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Evidence for the defence.

184. The provisions of Sections 126, 127, 130, and 133 shall be applicable to witnesses named in support of the defence.

Witnesses for the defence.

185. If the accused is convicted, the Magistrate shall pass sentence upon him according to law.

Conviction.

186. In any trial before a Magistrate, wherein 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, the Magistrate shall stop further

How the Magistrate is to proceed, when, after commencement of trial, he finds the case beyond his jurisdiction.

proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XI. for conducting preliminary investigations in cases triable by the Court of Session.

When a Summons on Complaint shall issue to the Defendant.

187. In all cases where a complaint shall be made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Section 178, for which he is liable, upon a summary conviction for the same before a Magistrate, to be imprisoned or fined, or otherwise punished, 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 said complaint: provided, that if the Magistrate shall be satisfied, by evidence before him, that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

Summons shall issue.

When warrant may issue.

188. The provisions of Section 123 shall be applicable in respect of warrants issued under the provisions of this Chapter.

Provisions of Section 123 applicable to warrants issued under this Chapter.

189. It shall be competent to the Magistrate, before issuing a summons to the accused party, to examine the complainant as to the specific facts of the case; and if, upon such examination, it shall appear to the Magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When Magistrate may refuse summons.

190. If the person served with a summons shall not appear before the Magistrate at the time and place mentioned in such summons, and it shall be made to appear to the Magistrate that such summons was so 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 on the accused person or on any adult male member of his family, the Magistrate may, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, issue his warrant to apprehend the person so summoned, and to bring such person before him to answer to the said complaint.

If summons be not obeyed, warrant.

191. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorised 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 party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

192. If it shall be made to appear to the Magistrate that any person is likely to give material evidence in behalf of the complainant or the accused person in any such case as is described in Section 187, and 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, such Magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said Magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

193. It shall be lawful for the Magistrate to direct that, before any process is issued for the attendance of witnesses in any such case as is referred to in the last preceding Section, the person preferring the charge shall deposit in the hands of the proper Officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the Magistrate's Court, and the Magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and, in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which, to the said Magistrate, may seem requisite.

Diet money for witnesses.

194. It shall be at the discretion of the Magistrate at any stage of the trial to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

195. The provisions of Sections 126, 127, and 130 shall be applicable to witnesses summoned according to the provisions of Sections 192 and 194.

Application of previous rules.

Bail.

196. If, upon the day and at the place appointed, the accused person shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the Magistrate by virtue of any 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 recognisance. If he 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 recognisance.

197. If, upon the day appointed for the appearance of the accused 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 unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

198. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the accused person, and he shall be asked if he have any cause to show why he should not be convicted; and, if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the Magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

199. If the accused do not admit the truth of the complaint, then 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 and such witnesses as he may produce in his defence; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the accused person or dismiss the complaint, as the case may be.

Proceeding when no such admission is made.

200. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate,

How the evidence is to be recorded.

not ordinarily in the form of question and answer, but in that of a narrative; and, when completed, shall be read over to the witness in the presence of the person accused, if in attendance, and shall, if necessary, be corrected, and shall be signed by the Magistrate. 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 deposition, as taken down in writing, to be interpreted to him in the language in which it was given. When the evidence of a witness is given in English, the Magistrate may so take it down in his own hand. 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 shall require it. The Magistrate shall record such remark as he may think material respecting the demeanour of any witness whilst under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, 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 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.

Memorandum of substance of evidence when sufficient.

201. It shall be competent to the Magistrate in any such case as is described in Section 187, instead of taking down in writing, at length, the evidence of each witness, to make a memorandum of the substance thereof 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.

Adjournment.

202. Before or during the hearing of any complaint, it shall be lawful for the Magistrate to adjourn the hearing of the same to a future 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 be 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 such complaint.

Conviction.

203. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

Magistrate may award costs.

204. In all cases of summary conviction of offences of the nature described in Section 187, it shall be lawful for the Magistrate making the same, in his discretion, to award that the accused person shall pay to the complainant such costs as to such Magistrate shall seem just and reasonable; and in cases where such Magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the accused person such costs as to such Magistrate shall seem just and reasonable; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labour, in the Civil Jail for any time not exceeding thirty days, unless such costs shall be sooner paid.

Chapter XIV.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before subordinate Criminal Courts.

205. Criminal cases shall be brought before the subordinate Criminal Courts by reference by the Magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorise a subordinate Criminal Court also to receive such cases on complaint preferred directly to such Court, or on the report of a Police Officer.

Cases how to be referred.

206. Whenever a Criminal case is referred by a Magistrate to a subordinate Criminal Court, the order of reference, if the case have been transmitted by a Police Officer, shall be recorded on such Officer's report, and if the complaint have been preferred direct to the Magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is preferred, and the witness shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the Magistrate.

207. In the trial of Criminal cases, whether brought before them on reference by the Magistrate or directly by complaint preferred to themselves, or by the report of a Police Officer, the subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the Magistrate in similar cases; and Police Officers and others shall be bound to obey all orders and processes issued in such cases by a subordinate Criminal Court in like manner as if they had been issued by the Magistrate.

Mode of proceeding in cases beyond jurisdiction.

208. In every case before a subordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorised to adjudge, it shall not proceed with the trial, but shall submit its proceedings to the Magistrate, who shall either try the case himself, or refer it to any other subordinate Criminal Court having jurisdiction. In either case, the Court which gives judgment in the trial shall examine the parties as if no proceedings had been held in any other Court, and may, if it think necessary, recall any witnesses who have already given evidence.

Foregoing rule not to interfere with the power of a subordinate Criminal Court to commit for trial before the Court of Session.

209. Provided that nothing in the last preceding Section shall be held to interfere with the exercise of power specially conferred upon a subordinate Criminal Court, in regard to committing or holding to bail persons charged with Criminal offences to take their trial before the Courts of Session.

Chapter XV.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

210. The room or place in which the Court of a Magistrate or any subordinate Criminal Court shall be 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, 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, no person shall have access to, or be, or remain in such room or building without the consent or permission of the Court.

Chapter XVI.

OF RECOGNISANCE AND SECURITY TO KEEP THE PEACE.

Personal recognisance to keep the peace in cases of conviction.

211. Whenever a person charged with rioting, assault, or other violent 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 Criminal Court by which the offence may be cognisable, and the Court, by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognisance for keeping the peace from the person so convicted, it shall be lawful to the Court passing the final sentence or order, in addition thereto, to direct that the person so convicted be required to execute 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 a Magistrate or other Officer exercising the powers of a Magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Court of Session.

Security to keep the peace.

212. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognisance of the party so convicted, it shall also be lawful to the Court passing the final sentence or order, to require the same, 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 a Magistrate 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.

Summons to any person to show cause why he should not enter into a bond to keep the peace.

213. It shall be lawful for 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 the Magistrate shall think fit.

Form of summons.

214. 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 securities required, and the amount in which they are to be bound respectively.

Penalty.

215. 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.

Warrant of arrest.

216. If the person summoned shall not attend on the day appointed, the Magistrate, if satisfied that the summons has been served by delivery thereof to him or to an adult male member of his family, may issue a warrant for his arrest. Provided always that, whenever it shall appear to a Magistrate 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.

Magistrate may dispense with personal attendance of party informed against.

217. A Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party informed against, and permit him to appear and enter into the required bond, or show cause against such requisition by an agent duly authorised to act in his behalf.

Discharge of party informed against.

218. If upon the appearance of the party informed against in person or by an authorised agent, the Magistrate shall not be satisfied that there is occasion to bind such party to keep the peace, he shall discharge him.

Consequence of not complying with order of Magistrate to enter into a bond.

219. If the Magistrate shall be satisfied that it is necessary for the preservation of the peace to take a bond from such party with or without security, he shall make an order accordingly; and if the party shall fail to comply with the order, it shall be lawful for the Magistrate to commit him to jail.

Limit for confinement.

220. The period for which a Magistrate may bind a person to keep the peace with or without security, shall not exceed one year; and when a person shall be committed to jail under the last preceding Section, he shall not be detained by authority of the Magistrate beyond the term of one year, and shall be released whenever he shall comply with the order within that term.

Extension of period of confinement.

221. Provided that, whenever it shall appear to a Magistrate 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 the Court, after examining the proceedings of the Magistrate and making such further inquiry that it may think necessary, may, if it shall see cause, authorise the Magistrate 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 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.

Discharge of recognisances.

222. A Magistrate may, if he shall see sufficient cause, discharge any recognisances and securities for keeping the peace taken under the preceding Sections, and may order the release of persons confined for default in entering into such recognisances or giving such securities.

Discharge of sureties.

223. The sureties for the personal appearance of the defendant may, at any time, apply to the Magistrate to be relieved from their engagements as sureties; whereupon the Magistrate shall issue his warrant directing that the defendant be brought before him. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Magistrate shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and, in default thereof, shall commit him to custody.

Enforcement of penalty against the party bound.

224. Whenever it may be proved before the Magistrate that any such bond has been forfeited, he shall proceed to enforce the penalty of the bond by the attachment and sale of any of the property of the party bound thereby; and if the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate in the Civil jail of the station, for a period not exceeding Six months.

Recovery of penalty from sureties.

225. Whenever it may be proved before the Magistrate that any such bond has been forfeited, if security shall have been taken, the Magistrate, at his discretion, may give notice to the surety or sureties to pay the penalty to which they have thereby become liable, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate may proceed to recover the penalty from such surety or sureties in the same manner as from the principal party.

Chapter XVII.

SECURITY FOR GOOD BEHAVIOUR.

When Magistrate may require security for good behaviour for six months.

226. Whenever it shall appear to a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, it shall be competent to the Magistrate to require security for the good behaviour of such person for a definite period not exceeding Six months.

When Magistrate may require security for good behaviour for one year.

227. Whenever it shall appear to a Magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, housebreaker, 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 the Magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

How to proceed in cases beyond one year.

228. Whenever it shall appear to a Magistrate, from the evidence to general character 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, 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 shall record his opinion to this effect, with an order specifying the amount of security 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.

Case to be laid before the Court of Session.

229. 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, as it may judge proper.

Court of Session may require security not exceeding three years.

230. In all such cases, if the Court of Session shall not think it safe to direct the 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.

What the order for security is to contain.

231. In every instance in which security for good behaviour may be required by the Court of Session or the Magistrate, 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 default of security, party to be committed to prison.

232. 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 always, that no party shall be kept in prison for a longer period than that for which the security has been required from him.

When Magistrate may release persons under requisition of security.

233. The Magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a Magistrate; provided the Magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When he must report.

234. In cases in which a Magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Court of Session, can be safely released without such security, the Magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which shall have required the prisoner to furnish security previously to his release.

Discharge of sureties.

235. The sureties for the good behaviour of a party may at any time apply to the Magistrate to be relieved from their engagements as sureties; whereupon the Magistrate shall issue his warrant directing the party to be brought before him. On the appearence of the party pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the engagements of the sureties to be cancelled, and shall call upon the party to give fresh security, and in default thereof shall commit him to custody.

Proceeding to compel payment of penalty by sureties.

236. Whenever the Magistrate 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, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, 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 of his or their property; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to imprisonment by order of the Magistrate, in the Civil jail of the station, for a period not exceeding Six months.

Issue of summons and warrant of arrest.

237. 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.

Chapter XVIII.

JURIES.

Trial by Jury.

238. Criminal trials before the Court of Session shall be by Jury.

How the Jury is to be constituted for the trial of persons belonging to certain specified races or classes.

239. In trials before the Court of Session in which a European, not being a British subject, or an American, or an East Indian, or an Armenian, is the accused person or one of the persons accused, one-half at least of the Jury shall consist, if the accused desire it, of persons (qualified to serve on Juries) of his own race or class, if practicable; or, if that be not practicable, of Europeans, Americans, East Indians, or Armenians so qualified.

How the Jury is to be constituted for the trial of other persons.

240. In trials before the Court of Session in which a person not belonging to any of the races or classes specified in the last preceding Section shall be tried either

alone or jointly with any person belonging to any of the said races or classes, one-half of the Jury, if the accused person who does not belong to any such race or class desire it, shall consist of persons not belonging to any of the said races or classes.

Number of which the Jury is to consist.

241. In trials by Jury before the Court of Session the Jury shall consist of such number of persons, not being less than four, as the Court shall direct.

Number of voices necessary to a verdict.

242. If the Jury are unanimous in a verdict of guilty, or if a majority of the Jury find a verdict of guilty and the Court concur in such finding, the accused shall be convicted. If the Jury be equally divided in opinion, the Court shall decide whether the accused shall be convicted or acquitted. In all other cases the accused shall be acquitted.

Jurors.

243. All persons resident within the limits of the jurisdiction of the Court of Session shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as Jurors, and shall be liable to be summoned accordingly.

Jurors' qualifications.

244. All residents within the district between the ages of twenty-five and fifty-five years are qualified and liable to serve on Juries in Criminal trials before the Court of Session, except such persons as are hereinafter excepted.

Disqualifications.

245. The following persons are incapable of serving on Juries in Criminal trials before the Court of Session, namely:—

Persons who hold any office in or under the said Court, or receive any pay or emolument for any employment under any Officer thereof.

Persons executing any duties of Police, or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or infamous offence.

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.

Persons who are unable to understand the language in which the trial is conducted.

Exemptions.

246. The following persons are exempt from the liability to serve on Juries, namely:—

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue.

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.

Brahmins, Moollahs, and others 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)*.

Person exempted is not bound to avail himself of his right of exemption.

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 on Juries.

List of Jurors.

247. In the month of in every year, the Collector shall prepare and make out, in alphabetical order, a list of persons residing within fifteen miles from the place where Criminal 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, the best qualified from their education and character to serve as Jurors. The list shall contain the name, place of abode, and quality or business of every such person; and if the person belongs to any of the races or classes specified in Section 239, the list shall mention the race or class to which he belongs.

Publication of Jury list.

248. Copies of such list shall be stuck up in the Office of the Collector and in the Court-house of the Magistrate and of the Judge, and in some conspicuous place or places in the town or station where 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 at a time and place to be mentioned in the notice.

Revision of Jury list.

249. The Collector shall, at the time and place mentioned in the notice, revise the list, striking out the names of persons not qualified in his judgment to serve as Jurors, and inserting in the list the names of persons omitted therefrom, whom he deems qualified for such service. A copy of the revised list shall be signed by the Collector and transmitted to the Court of Session.

Court to summon Jurors.

250. The Court of Session shall, three days at the least before the time fixed for the holding of Sessions, cause as many persons named in the said revised list as seem to the Court to be needed for Jury trials at the said Sessions to be summoned: provided, that the Court shall in no case cause a less number than eight persons to be so summoned. The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless when the number cannot be made up without them.

Form and service of summons.

251. Every summons to a Juror shall be in writing, and shall require his attendance as a Juror at a time and place to be specified in the notice. The summons or a copy thereof shall be served, through the Court's own Officers or the Officers of the Magistrate of the district in which the Juror resides, on the Juror personally if he can be found at his usual place of abode. If he be absent from his usual place of abode, it may be left for him there with some male member of his family residing with him.

Power to Court to summon another set of Jurors.

252. The Court of Session may direct Jurors to be summoned at other periods than the period specified in Section 250, where the business of the Court renders the attendance of one set of Jurors for a whole Session too oppressive.

Service of summons to serve as Juror, on an Officer of Government.

253. If any person summoned to serve as a Juror 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 without inconvenience to the public service.

Court may excuse attendance of a Juror.

254. The Court of Session may excuse any Juror from attendance for reasonable cause.

255. At each Session the Court shall cause to be made a minute of the names of those who serve as Jurors at such Sessions. The minute shall be kept with the revised list, and a reference thereto shall be made in such list in the margin of the entry of those names in the list which are also mentioned in the said minute.

Minute of names of Jurors attending at each Session.

256. Whenever any Jury trial is to be had, the persons (not being less than four in number) who are to constitute the Jury shall be chosen by lot immediately before the commencement of the trial from those Jurors who attend in obedience to the summons.

Jurors to be chosen by lot.

257. Before the commencement of the trial (the accused person being present) 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 made to a Juror shall be decided by the Court. If an objection be allowed, the place of such Juror shall be supplied by any other Juror in attendance in obedience to his summons, or by any person mentioned in the said list of Jurors who may be in attendance, provided no objection to such Juror be made and allowed.

Names of Jurors to be called.

Objections.

258. Either the Government Pleader (or other person appointed by the Government to conduct trials before the Court of Session), or the accused person, may object to any of the persons chosen to be of the Jury, stating the ground of his objection.

Objection to Juror by whom to be made.

259. The following shall be deemed to be sufficient grounds of objection :—

Grounds of objection.

(1.) Any ground of disqualification within Section 245.

(2.) Relationship 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 defendant.

(3.) Standing in the relation of husband, master or servant, landlord or tenant, being in the employment on wages of one of the parties, or plaintiff or defendant against him in any civil suit, or having complained against him, or being accused by him, in any Criminal prosecution.

(4.) If the accused person can prove to the satisfaction of the Court any circumstance that shows either prejudice against him or favour to his accuser, such circumstance shall be a sufficient ground of objection to the Juror.

Further ground of objection by the accused person.

260. The Jury shall appoint one of their number to be foreman; whose duty it shall be to preside in their debates, to deliver the verdict, 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.

Foreman of Jury.

261. The same Jury may, if not objected to, try as many accused persons successively as to the Court shall seem expedient.

One Jury may try in succession several offenders.

262. Whenever, in the opinion of the Court, it may be deemed proper and convenient that the Jury should have a view of the place in which the offence is said to have been committed, or of any other place in which any other transaction material to the inquiry on the trial took place, an order shall be made to that effect; and the Jury 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 to suffer no other person to speak to the Jury, and they shall, when the view is finished, be immediately conducted into Court.

View by Jury.

263. Whenever any Jury trial is to be had in which the accused person or one of the persons accused is entitled to a Jury constituted under the provisions or Section 239, the Court of Session shall, three days at the least before the day fixed for holding such trial, cause not less than four of the persons named in the revised list of Jurors of the race or class to which the accused belongs to be summoned; the Court shall also, at the same time, cause as many other persons named in the revised list as seem to the Court to be needed for such trial to be summoned. The names shall be drawn by lot; excluding those who have served within six months, unless when the number cannot be made up without them.

Mode of summoning Jury when the accused person belongs to one of the specified races or class.

264. Any person summoned to attend as a Juror who shall, without lawful excuse, fail to attend, shall be liable, by order of the Court of Session, to a fine not exceeding Fifty Rupees, to be levied by attachment and sale of his property.

Penalty for non-attendance of Juror.

Chapter XIX.

TRIALS BEFORE THE COURTS OF SESSION.

265. Except in the cases referred to in Section 114, a Court of Session, as a Court of original Criminal jurisdiction, shall not take cognisance of any offence but upon a charge preferred by a Magistrate or other Officer specially empowered by this Act or any other law to make commitments to such Court.

Cognisance of offences by the Court of Session in original jurisdiction.

266. In every trial before a Court of Session the prosecution shall be conducted by the Government Pleader or 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.

267. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and essential to the ends of justice.

Postponement of trial.

268. 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 be guilty or not guilty of the offence charged. If the accused plead guilty, the plea shall be recorded and the accused convicted thereon.

Commencement of trial.

269. If the accused person refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

Refusal to plead, or plea of "not guilty."

270. The evidence of the witness shall be taken in the manner prescribed in Section 133 for taking of evidence before the Magistrate.

Examination of witnesses.

271. If any witness shall refuse to answer such material questions as shall be put to him, without offering 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, after which, in

Witness refusing to answer may be committed to custody.

the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 108 or Section 114.

Examination of accused before the Magistrate to be evidence at the trial.

Proof of such examination.

272. 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 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.

Court may summon necessary evidence.

273. It shall be in the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Evidence of Medical witnesses.

274. The Court shall receive in evidence the examination of a Civil Surgeon or other Medical witness taken and duly attested by the Magistrate: provided that nothing in this Section shall prevent the Court from summoning the witness if it shall see sufficient cause for doing so.

Examination of witness taken and attested by Magistrate when admissible.

275. The examination of a witness taken and attested by the Magistrate shall be admitted in evidence if the witness be dead or the Court be satisfied that, for any sufficient cause, his attendance cannot be procured.

Report of Chemical Examiner admissible in evidence.

276. 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 official report in the course of any Criminal trial, or in any preliminary inquiry relating thereto, shall be received in evidence at such trial if it bears the official signature of the said 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.

Defence.

277. 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. The Court may put such questions to the accused as it may think proper. But it shall be explained to the accused person that he is at liberty to decline to answer any question so put to him.

Examination of accused person by the Court.

Witness for the defence.

278. The accused person shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list delivered to the Magistrate or other Officer by whom he was committed or held to bail for trial, except as provided in Section 176.

Adjournment.

279. The Court may, in its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury to attend at adjourned sitting.

280. In the event of the adjournment of a trial by Jury, the Jury shall be required to attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial; and any Juror who shall, without lawful excuse, fail so to attend, shall be liable, by order of the Court of Session, to a fine not exceeding One Hundred Rupees to be levied by attachment and sale of his property.

Of verdict of Jury.

281. In cases tried by Jury, the Judge shall sum up the evidence on both sides, and the Jury shall then deliver their finding upon the charge.

Conviction.

282. If the defendant is convicted, and the case is one which the Court of Session is competent to dispose of finally, it shall proceed to pass sentence upon the defendant according to law.

Sentence.

283. If the case is one in which, if the defendant be convicted, he is liable to sentence of death, the Court of Session shall pass sentence; and if sentence of death be passed, it shall not be executed without the confirmation of the Sudder Court.

Confirmation of sentence of death by Sudder Court.

In any case submitted to the Sudder Court for confirmation of the sentence, the Court may either confirm the sentence or pass any other sentence warranted by law, or may reverse the conviction and order a new trial.

Transmission of monthly calendar of trials by Court of Session.

284. The Courts of Session shall transmit to the Sudder Court such periodical statements or calendars of all trials held by them as the Sudder Court shall prescribe, exhibiting the offence charged, the offence of which the accused is convicted, and the sentence passed upon him.

Chapter XX.

SUDDER COURT.

As a Court of Reference.

Constitution of Court for hearing case referred for confirmation of sentence.

285. A case referred by a Court of Session for confirmation of a sentence of the Court of Session shall be heard by a Court constituted by two or more Judges of the said Sudder Court. The confirmation of the sentence or any new sentence or order passed shall be signed by not less than two of such Judges.

Difference of opinion between Sudder Court and Court of Session as to offence proved.

286. Provided that, if the Sudder Court is of opinion that the facts charged or those of which the accused is found guilty against an accused person do not answer to the legal definition of an offence, it shall annul the conviction, and may order a new trial upon an amended charge.

Competence of Sudder Court to direct further inquiry, &c.

287. In any case referred to the Sudder Court, it shall be competent to the Court, if it think further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such inquiry to be made, or such additional evidence to be taken.

Chapter XXI.

FINDING, JUDGMENT, AND SENTENCE.

Form of verdict in Jury trials.

288. In any trial by Jury, when the Jury are unanimous in thinking the accused guilty of the offence specified in the charge, or of the offence specified in any head of the charge when there are more heads than one, the verdict shall be that the accused is guilty of such offence. When the Jury are not unanimous, but a majority concur in thinking the accused guilty, the verdict shall be that the accused is found guilty of the offence specified in the charge, or in a such a head of the charge as above provided, by a majority of the jurors (stating the number). When a majority of the Jurors do not concur in thinking the accused guilty, the verdict shall be that the accused is not guilty. When the Jury, or a majority of the Jurors, concur in thinking the accused guilty of an offence, but are doubtful under which of two heads of the charge the offence falls, the verdict shall be that the accused is guilty either of the offence charged in such a head, or of the offence charged in such another head of the charge. When the Jury are equally divided in opinion the verdict shall state specially the division of opinion.

What the judgment is to specify.

289. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused be convicted, shall distinctly specify the offence of which, and the Section and Chapter of the Penal Code, under which he is convicted, or if it be doubtful under which of two Sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to Section 18 of Chapter III.

Form of finding and sentence.

290. The finding and sentence shall be recorded in the following form, or to the same effect :—

In trials by Jury :—

When the Jury are unanimous :

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government, and has thereby committed an offence punishable under Section 1 Chapter VI. of the Penal Code ; and the Court directs that the said Z [*sentence*].

2nd.—The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government, and has thereby committed an offence punishable under Section 1 Chapter VI. of the Penal Code ; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but a majority of the Jurors concur in thinking the defendant guilty :—

3rd.—A majority of the Jurors (*stating the number*) 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 3 Chapter VI. of the Penal Code. The Court concurs in such finding, and directs that the said Z be [*sentence*].

4th.—A majority of the Jurors (*stating the number*) 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 3 Chapter VI. of the Penal Code. The Court does not concur in such finding, and directs that the said Z be discharged.

5th.—When the Jury are not unanimous, but a majority of the Jurors concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury or a majority of the Jurors concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th.—The Jury or the majority of the Jurors (*stating the number*) (*as the case may be*), 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 2 Chapter XVII. of the Penal Code, or that he has committed Criminal breach of trust, and has thereby committed an offence punishable under Section 28 of the same Chapter of the Penal Code. The Court directs [*or, the Court concurs in such finding, and directs*] that, under the provisions of the above-mentioned Sections, and the provisions of Section 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

When the Jury are equally divided in opinion the finding of the Jury shall state specially the division of opinion, and the finding and sentence of the Court shall then be recorded in the following form, or to the same effect :—

The Court concurs with the Jurors who have found that Z is guilty of the offence specified in the charge : namely, that he has committed, &c., &c., and the Court directs that the said Z be [*sentence*] ; or (*as the case may be*).

The Court concurs with the Jurors who have found that Z is not guilty of the offence specified in the charge ; namely, that Z has committed, &c. &c. ; and the Court directs that the said Z be discharged.

In trials upon a formal charge, without Jury :—

7th.—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 2 Chapter XVII. of the Penal Code ; and the Court directs that the said Z be [*sentence*].

8th.—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 2 Chapter XVII. of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :—

9th.—The Court finds that Z has used Criminal force, and has thereby committed an offence punishable under Section 56 Chapter XVI. of the Penal Code, and directs that the said Z be [*sentence*].

10th.—The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Conviction of several offences.

291. When a person shall be convicted of several offences at the same time, punishable under the same or different Sections of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be necessary for the Court, only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

292. When sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction, to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced ; and if empowered to pass sentence of transportation or banishment the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

293. A party who has once been tried upon a formal charge, 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 act, death shall not have resulted or shall not have been known by the Court to have resulted.

Execution of sentence of Court in cases referred to the Sudder Court for confirmation of sentence.

294. In cases referred by the Court of Session for the confirmation of a sentence by the Sudder Court, the proper Officer of the Court shall, within three days after the order of confirmation or other order of the Sudder Court, or sooner, if practicable, transmit a copy of the order under the

seal of the Sudder Court, 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.

Court of Session to direct warrant to District Magistrate.

295. 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 other Officer as aforesaid.

Execution of sentence under two foregoing Sections.

296. Upon the receipt of a warrant under either of the two last 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 whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

297. In every case of imprisonment under the sentence of any Court other than a subordinate Criminal Court, the Magistrate or other Officer as aforesaid shall issue his warrant to the jailor, stating the offence of which the defendant 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 a subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

Chapter XXII.

SUDDER COURT AS A COURT OF REVISION.

Sudder Court empowered to call for and examine records of Court of Session.

298. It shall be lawful for the Sudder Court to call for and examine the records of 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 the Sudder Court shall be of opinion that the sentence or order is contrary to law, the Court shall reverse the same, and pass such judgment and sentence as to the Court shall seem right, or, if it deem necessary, may order a new trial. 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.

Revision in cases of illegal sentence.

299. The Sudder Court, in any case tried by the Court of Session, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it 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 of trials.

300. The Sudder Court, in any case tried before a Court of Session in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it 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, 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 judgment and sentence as to the Sudder Court shall seem right.

General power of revision by the Sudder Court.

301. 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 in any Criminal 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 determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Proceedings of a case revised by Sudder Court to be certified to Court in which conviction was had.

302. In all cases in which a case shall be revised by the Sudder Court under the last two preceding Sections, the Sudder Court shall certify its proceedings to the Court in which the conviction was had; 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. Proviso.

Provided that, in any such case tried before a Court of Session, it shall not be competent to the Sudder Court, expect as hereinbefore provided, to reverse the judgment of the Court, or the verdict of the Jury on the facts of the case.

Chapter XXIII.

APPEALS.

No appeal in cases of acquittal.

303. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Proceeding in appeals from judgments of Courts subordinate to Courts of Session.

304. Any person convicted by a judgment of any Criminal Court subordinate to a Court of Session, from which an appeal lies to a higher Court under any law for the time being in force, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the proceedings of the lower Court, and confirm or alter or reverse the finding and sentence of such Court, but not so as to enhance the punishment awarded: provided that an appeal shall lie from a judgment of the Court of Session to the Sudder Court upon any point of law that may arise upon that judgment.

Appeal from judgment of Court of Session.

Appeal by party in jail.

305. If the party appealing be in jail, he shall be at liberty to present his petition of appeal to the Magistrate or other Officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

Court of Appeal may direct further inquiry, &c.

306. In any case in which an appeal is allowed, it shall be competent to the Appellate Court, if it think further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such inquiry to be made, and additional evidence to be taken. The result of the further inquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to pass such judgment and sentence as to such Court shall seem right.

Court of Appeal how to proceed in case of conviction by a Court not having jurisdiction.

307. When a Magistrate or a subordinate Criminal Court shall have convicted a person of an offence not triable by such Magistrate or Court, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence

of the lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

308. Unless otherwise provided by any law for the time being in force, an appeal shall lie to the Magistrate from all orders in judicial proceedings other than Criminal trials, passed by a Deputy Magistrate (other than a Deputy Magistrate vested under Section with the full powers of a Magistrate). An appeal shall lie to the Court of Session from all such orders passed by a Magistrate or a Deputy Magistrate vested with such powers. It shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper. An appeal shall also lie to the Sudder Court upon any point of law that may arise from any order made by the Court of Session in such proceedings.

Period for presenting petition of appeal.

309. Petitions of appeal must be presented within thirty days immediately following and exclusive of the day on which sentence was passed. Every petition of appeal shall be accompanied by a copy of the judgment or order appealed against, and it shall be competent to the Appellate Court to reject the appeal if, on perusal of the petition and the judgment or order, there appears to be no sufficient ground for questioning the correctness of the decision.

Copy of judgment to accompany petition.

Finality of orders in appeal.

310. Except as provided in Section 302, sentences and orders passed by the Appellate Court upon appeals preferred to such Court shall be final.

In what language sentence to be written.

311. Every sentence or final order of a Court or Magistrate, 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 thereof where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the record of the sentence or order.

When it may be written in English.

312. 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.

Powers of Court of Session and Magistrate to regulate the proceedings of subordinate Courts.

313. It shall be at all times lawful for a Court of Session and for a Magistrate or other Officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, 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 Courts. If the Court of Session shall be of opinion that the sentence or order is contrary to law, the Court or Magistrate shall refer the proceedings for the orders of the Sudder Court. It shall not be lawful for any other Court than the Sudder Court to alter any sentence or order of any subordinate Court except upon appeal by parties concerned duly made according to the foregoing provisions.

When Court of Session may order commitment of party discharged by Magistrate.

314. In the case of offences not triable by the Magistrate, the Court of Session may order the commitment to the Court of Session of any accused person who may have been discharged by the Magistrate. In the case of such offences the Court of Session may order an inquiry into any complaint which the Magistrate may have dismissed without inquiry.

Power of Court of Session to direct bail.

315. The Court of Session may direct that any defendant shall be admitted to bail before a Magistrate or subordinate Criminal Court, or that the bail required by a Magistrate or subordinate Criminal Court be reduced; and may also direct that a party not in custody be admitted to bail on his surrendering to a warrant.

No trial, &c. to be set aside for irregularity of procedure.

316. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed, by a Court of Appeal or a Court of revision for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

Saving of jurisdiction and procedure of Heads of Villages, Village Police Officers, &c.

317. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Heads of Villages or of the District or Village Police Officers in the Presidency of Madras; or the jurisdiction of District or Village Police Officers in Criminal cases which they have power to try under the provisions of the Bombay Code, or their procedure in such cases; or the jurisdiction or procedure of a single Officer duly authorised and appointed under the Laws in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of petty offences in Military Bazars at Cantonments and Stations occupied by the Troops of those Presidencies respectively.

Of Officers exercising jurisdiction over petty offences in Military Cantonments.

Act not to take effect in places not subject to the general Regulations until extended thereto.

318. This 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.

Interpretation.

319. 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):—

"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.

"Sudder Court."

In any part of the British territories in India to which this Act may be extended under the provisions of Section 317, the expression "Sudder Court" shall be deemed to include the highest Criminal Court of Appeal or revision in such part of the said territories.

APPENDIX OF FORMS.

A.

FORM OF SUMMONS (*Section* 29).

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 before the [*Magistrate*] of on the day of . Herein fail not.

(*Signature and Seal*).

Dated the day of

B.

FORM OF WARRANT (*Section* 35).

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*).

C.

FORM OF WARRANT OF COMMITMENT (*Section* 154).

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged; and the authority of the Committing 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* 215).

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 Government 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 Government the sum of Rupees

Dated

E.

FORM OF RECOGNISANCE TO PROSECUTE OR GIVE EVIDENCE (*Sections* 102 *and* 162).

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 of a charge of against one A. B.; and in case of my making default herein, I bind myself to forfeit to Government the sum of Rupees.

Dated

W. MORGAN,
Clerk of the Council.

"A BILL FOR REGULATING THE ESTABLISHMENT AND MANAGEMENT OF ELECTRIC TELEGRAPHS IN INDIA."—Guzerathee.

हेठळ लखेलो आक्टनो मसुदो सन् १८५९ ना आगस्ट महिनानी ६ ठी तारिखे इंडियानी लेजिस्लेटिव कौंसिलमां बीजीवार वांचीने सिलेक्ट कमिटीने सोंप्यो, ते कमिटी आवता नवेंबर महिनानी १० मी तारीखपछी ते मसुदा बाबत रिपोर्ट करनार छे:—

हिंदुस्थानमां *वर्तमानसूचक विद्युतयंत्रो उभा करवाना, तथा तेओनो बंदोबस्त राखवाना नियम ठराववा बाबतना आक्टनो मसुदो.

उद्देश.

हिंदुस्थानमां वर्तमानसूचक विद्युतयंत्रो उभा करवाना, तथा तेओनो बंदोबस्त राखवाना नियम छे ते कर्ता सारा नियम ठराववा योग्य छे वास्ते हेठळ लख्या प्रमाणे ठराव्युं छे:—

आक्ट रद्द कऱ्यो ते.

१. सन् १८५४ नो ३४ मो आक्ट आ आक्ट उपरथी रद्द कऱ्यो छे; पण आ आक्ट अंमलमां आव्यां पेहेलां कंई काम, अथवा गुन्हो थयो होय, अथवा कऱ्यो होय; अथवा दंडनो, अथवा गुन्हेगारीनो पेच आव्यो होय; अथवा कंई काम सरू थयुं होय ते बाबत ते आक्ट रद्द छे एवुं समजवुं नहीं.

वर्तमानसूचक विद्युतयंत्रो उभा करवानो अनन्यग्राह्याधिकार गवरनर जनरल इन् कौंसिलने छे.

२. हिंदुस्थानमां अंग्रेज सरकारनो मुलक छे तेमां वर्तमानसूचक विद्युतयंत्रो उभा करवानो अनन्यग्राह्याधिकार इंडियाना गवरनर जनरल इन् कौंसिलने छे; पण एवुं ठराव्युं छे के सदर्हू मुलकना कोई भागमां वर्तमानसूचक विद्युतयंत्रो उभा करवानी परवानगी हरकोई मांणसने, अथवा मंडळीने आपवाने इंडियाना गवरनर जनरल इन् कौंसिल मुखत्यार छे. ते परवानगी माहेनी कंई सरत तोडशे तो ते परवानगी रद्द थवाने पात्र थशे.

विशेष ठराव.

परवानगी वगर वर्तमानसूचक विद्युतयंत्र बनावशे, अथवा चालू राखशे तो दंड थशे.

३. उपर कह्या प्रमाणे परवानगी मळ्यावगर सदर्हू मुलकमां कोई मांणस वर्तमानसूचक विद्युतयंत्र उभो करशे, अथवा ते परवानगी रद्द थयापछी ते यंत्र चालू राखशे तो, ते एक हजार रुपियासुधी दंडने पात्र थशे; अने जेटलां अठवाडियां ते यंत्र चालू रेहेशे तेटलां अठवाडियानो, दर अठवाडिये घणामां घणा पांचसें रुपिया प्रमाणे वळी दंड भरवाने ते पात्र थशे.

सदर्हू प्रकारनो वर्तमान सूचक यंत्र वापरशे, अथवा चलावशे तो दंड थशे.

४. फलांणो वर्तमानसूचक विद्युतयंत्र परवानगी वगरनो छे एवुं मालम होय, अथवा एवुं जाणवानो सबब होय तो, संदेसो मोकलवासारू, अथवा संदेसो पोताने पोंहोंचवासारू जे मांणस ते यंत्र वापरशे, अथवा ते यंत्र संबंधी कंई काम करशे ते मांणस एवा दरएक गुन्हाबाबत पचास रुपियासुधी दंडने पात्र थशे.

परवानगीथी थयेला वर्तमानसूचक यंत्रो पोताना कबजामां लेवानो अधिकार सरकारने छे.

५. सदर्हू मुलकमां परवानगी लईने वर्तमानसूचक यंत्र उभो कीधो होय ते जरूरनुं काम पडे त्यारे काम होय त्यांहांसुधी कबजामां लेवाने इंडियाना गवरनर जनरल इन् कौंसिल मुखत्यार छे.

* वर्तमानसूचक विद्युतयंत्र एटले विजळीना संचाथी खबर पोंहोंचाडनारो यंत्र.

लोहोडांनी सडक बांधनारी मंडळीनी जगा उपर वर्तमानसूचक यंत्र करवानो अधिकार सरकारने छे.

६. लोहोडांनी सडकनी बाजूए तमारी जमीन उपर वर्तमानसूचक विद्युतयंत्र उभो करवा देओ एवुं इंडियाना गवरनर जनरल इन् कौंसिल लोहोडांनी सडक बांधनारी कोई मंडळीने केहे तो, ते मंडळीए सरकारने ते प्रमाणे यंत्र उभो करवा देवो; अने ते यंत्र उभो करवासारू, तथा तेनो उपयोग करवासारू वग करी आपवाने घटारत होय तेटलो वग करी आपवो.

वर्तमानसूचक सरकारी यंत्रनुं काम चलावबा सारू गवरनर जनरल इन् कौंसिले कानुनो ठरावबी ते बाबत.

७. सरकारे करेला वर्तमानसूचक विद्युतयंत्रनुं काम चलावबा बाबत, आ आक्ट विरुद्ध नहीं होय तेवी कानुनो वखते वखते करवानो, अने ते कानुनमां संदेसो, तथा सूचना मोकलवाना नियम, तथा सरतो, तथा मर्यादा ठरावबानो अधिकार इंडियाना गवरनर जनरल इन् कौंसिलने छे.

नुकसांननो जोखम सरकारने माथे नथी.

८. वर्तमानसूचक विद्युतयंत्रनां खातांमां सरकारे राखेलां कोई मांणसने, संदेसो मोकलवाने सोंप्यो होय, ते मांणस ते संदेसो बराबर नहीं मोकलशे तेथी नुकसांन थशे तो, तेनो जोखम सरकारने माथे नथी; अने एवुं नुकसांन ते मांणसे गफलतथी, अथवा द्वेषथी, अथवा कपटथी कीधुं नहीं हशे तो तेनो पण जोखम तेने माथे नथी.

निशाणी करवानी ओरडीमां परवानगी वगर जशे तो शिक्षा थशे.

९. इसारत करवानी जे ओरडी वर्तमानसूचक सरकारी कारखांनांमां होय त्यांहां परवानगी वगर कोई मांणस जशे; अथवा अहिंयांथी तमे जाओ ए रीते त्यांहांनो कोई अंमलदार, अथवा कामदार केहे तोपण नहीं जशे; अथवा एवो कोई अंमलदार, अथवा कामदार पोतानुं काम करतो होय ते वखते तेने जांणी जोईने अटकाव, अथवा हरकत करशे तो ते सो रुपिया सुधी दंडने पात्र थशे.

"लैन" तोडशे तो शिक्षा थशे.

१०. तारने कापीने, अथवा बीजी रीते नुकसांन करीने, अथवा "लैन" ना कोई भागने, अथवा थांभलोने, अथवा संचाने नुकसांनी करीने, अथवा बीजो कंई उपाय करीने कोई मांणस वर्तमानसूचक सरकारी विद्युतयंत्रनी मारफते सूचना मोकलवानां काममां जांणीजोईने हरकत करशे, अथवा तेम करवानो यत्न करशे तो ते घणांमां घणां बे वर्ष सुधी सकत मजूरी साथे, अथवा सकत मजूरी वगर केदनी शिक्षाने, अथवा दंडने, अथवा ए बेऊ शिक्षाने पात्र थशे.

संदेसो मोकलशे नहीं, अथवा पोंहोंचाडशे नहीं, अथवा गुप्त संदेसो फोडशे तो शिक्षा थशे.

११. वर्तमानसूचक विद्युतयंत्रनां खातांमां सरकारी चाकरीए रहेलां मांणसनी पासे मोकलवासारू; अथवा पोंहोंचाडवासारू संदेसो आव्यो होय, ते मांणस ते संदेसो जांणीजोईने संताडी मुकशे, अथवा तेनी बारेवाट करशे, अथवा तेमां फेरफार करशे, अथवा मोकलशे नहीं, अथवा तेनी पासे एवो जे संदेसो आव्यो होय ते गुप्त राखवानुं तेने कह्युं होय तो पण ते जांणीजोईने फोडशे; अथवा इंडिया सरकारना, अथवा मद्रास अथवा मुंबई सरकारना सेक्रेटारीए, अथवा बंगालाना, अथवा वायव्य प्रांतना, अथवा पंजाबना लेफटेनेन्ट गवरनरना सेक्रेटारीए, अथवा अयोध्याना मुख्य कमिशनरे सरकारी रीते हुकम आप्यावगर बीजी रीते फोडशे, अथवा सदहू प्रमाणे हुकम आपवानो अधिकार इंडियाना गवरनर जनरल इन् कौंसिले जे बीजा अंमलदारने आप्यो होय ते अंमलदारे हुकम आप्यावगर फोडशे तो ते घणांमां घणां बे वर्ष सुधी सकत मजूरी साथे, अथवा सकत मजुरी वगर केदनी शिक्षाने, अथवा दंडने, अथवा ए बेऊ शिक्षाने पात्र थशे.

लांच आपवानुं केहेशे तो शिक्षा थशे.

१२. वर्तमानसूचक विद्युतयंत्रनां खातांमां सरकारी चाकरीए रहेलां मांणसने जे रीते काम करवुं जोईये तेथी उलटी रीते तेनी पासे करावबासारू तेने कोई लांच आपवानुं केहेशे तो ते घणामां घणा छ महिनासुधी केदनी शिक्षाने, अथवा दंडने, अथवा ए बेऊ शिक्षाने पात्र थशे.

गेरचालबाबत शिक्षा.

१३. कोई मांणस सदहू प्रमाणे चाकरीमां होय त्यारे कंई केफ करशे, अथवा काममां ध्यान राखशे नहीं, अथवा बीजे प्रकारे गेर रीते चालशे, अने तेथी संदेसो मोकलवाने, अथवा पोंहोंचाडवाने हरकत थशे; अथवा कोई मांणस संदेसो मोकलती वखते, अथवा पोंहोंचाडती वखते रझळ्यां

करशे, अथवा विलंब करशे तो ते घणामां घणा त्रण महिनासुधी सकत मजूरी साथे, अथवा सकत मजूरी वगर केदनी शिक्षाने, अथवा सो रुपियासुधी दंडने, अथवा ए बेऊ शिक्षाने पात्र थशे.

सरकारना पैसा आव्या वगर संदेसो मोकलशे तो शिक्षा थशे.

१४. जे संदेसाना पैसा ठरावेला दर प्रमाणे आव्या नहीं होय ते संदेसो, सदर्हू प्रमाणे चाकरीए रहेलुं कोई मांणस सरकारनी उपज डुबाववाना इरादाथी वर्तमानसूचक विद्युतयंत्रनी मारफते मोकलशे तो ते मांणस घणांमां घणां बे वर्षसुधी सकत मजूरी साथे, अथवा सकत मजूरी वगर केदनी शिक्षाने, अथवा दंडने, अथवा ए बेऊ शिक्षाने पात्र थशे.

बनावटनो संदेसो मोकलशे तो शिक्षा थशे.

१५. फलांणो संदेसो खोटो छे, अथवा बनावटनो छे एवुं मालम पड्युं होय ते संदेसो कोई मांणस सरकारे स्थापेला वर्तमानसूचक विद्युतयंत्रनी मारफते मोकलशे, अथवा मोकलावशे तो ते घणांमां घणां बे वर्षसुधी सकत मजूरी साथे, अथवा सकत मजूरी वगर केदनी शिक्षाने, अथवा दंडने, अथवा ए बेऊ शिक्षाने पात्र थशे.

माजिस्ट्रेटनी हकुमत.

१६. कोई मांणस युरोपियन ब्रिटिश रैयत नहीं होय ते, आ आक्टनी १० मी, ११ मी, १२ मी, १३ मी, १४ मी, अने १५ मी कलममां कहेला गुन्हा मांहेनो कंई गुन्हो, बादशाही सनदउपरथी स्थापेली कोर्टनी हकुमतनी स्थलसीमनी हद बाहार करशे तो, जे माजिस्ट्रेटनी हकुमतमां गुन्हो थाय ते माजिस्ट्रेट, गुन्हो साबित थया पछी ते मांणसने शिक्षा करवाने मुखत्यार छे.

दंड कोणे ठरावो.

१७. आ आक्टमां जे गुन्हाबाबत एकला दंडनी शिक्षा ठरावी छे ते मांहेनो कंई गुन्हो कोई मांणस युरोपियन ब्रिटिश रैयत होय के नहीं होय ते करे तो तेने ते गुन्हाबाबत शिक्षा करवानो अधिकार इलाकानां मुख्य शेहेरो कलकत्ता, मद्रास, अने मुंबई अहियाना, अथवा प्रिन्स आफ वेल्स ऐलंड, तथा सिंकापूर, तथा मलाका ए सेटलमेंटना पोलीस माजिस्ट्रेटने, अथवा माजिस्ट्रेटने अथवा जॉइंट माजिस्ट्रेटने, अथवा माजिस्ट्रेटनो अधिकार चलाववाबाबत जे मांणसने कायदाउपरथी अखत्यार होय, अने जेनी हकुमतमां गुन्हो थयो होय तेने छे; अने आ कलममां जे मांणसने शिक्षा करवानो अधिकार पोलीस माजिस्ट्रेटने आप्यो छे ते मांणसनी उपर संक्षेप रीते गुन्हो साबित करीने तेने शिक्षा करवी.

दंड शी रीते वसूल लेवो ते बाबत.

१८. जे गुन्हाबाबत एकला दंडनी शिक्षा थाय ते गुन्हाबाबत पोलीस माजिस्ट्रेट, अथवा माजिस्ट्रेटे, अथवा जॉइंट माजिस्ट्रेटे, अने जेने माजिस्ट्रेटनो अधिकार चलाववानो कायदा उपरथी अखत्यार होय ते मांणसे, अथवा माजिस्ट्रेटना आसिस्टंटे, अथवा डेप्युटी माजिस्ट्रेटे आ आक्टना आधारउपरथी दंड ठराव्यो होय ते नहीं आपे तो उपर लखेला अंमलदारोमांथी हरकोई अंमलदारने एवो अधिकार छे के तेणे पोतानी सहीनुं वारंट आपीने गुन्हेगारनी मालमिलकत जप्त करीने वेचीने ते दंड वसूल करवो; अने ते दंड गुन्हेगार तावडतोब न भरे तो, जप्तिनां वारंटनां परिणामनी हकीगत योग्य वखते लखाई आवे त्यांहांसुधी तेने पकडीने पोहोरामां बेसाडवानो हुकम करवानो अधिकार सदर्हू अंमलदारने छे. पण जप्तीनां वारंटनां परिणामनी हकीगत जे जगाए तथा जे वखते मोकलवानी होय, ते जगाए तथा ते वखते हुं हाजर थईश, एवो सदर्हू अंमलदारनी खातरीनो जामीन गुन्हेगार, आपे एटले ते गुन्हेगारने पकडीने पोहोरामां बेसाडवो नहीं. अने तेनो मुचलको लेवानो, अथवा बीजी रीते सदर्हू प्रमाणे जामीन लेवानो अधिकार सदर्हू अंमलदारने छे; अने दंडना रुपिया वसूल थाय तेटलो माल जप्तिमां जडतो नथी एवुं जप्तिनां वारंटनां परिणामनी हकीगत लखाई आव्या उपरथी देखाय, अने गुन्हेगार तावडतोब दंड न भरे, अथवा गुन्हेगारनी जुबानीउपरथी अथवा बीजी रीते सदर्हू अंमलदारनी खातरी थाय के जप्तिनुं वारंट आप्युं तोपण करेलो दंड, अथवा अवेज वसूल थाय तेटली मालमिलकत गुन्हेगारपासे नथी तो पोतानी सहीनुं वारंट आपीने पोतानी नजरमां आवे ते प्रमाणे नरी केदमां राखवासारू, अथवा सकत मजूरीसाथे केदमां राखवासारू गुन्हेगारने तुरंगमां मोकलवानो अधिकार सदर्हू अंमलदारने छे. पचास रुपिया कर्ती वत्तो दंड न होय तो केदनी मुद्दत बे क्यालेंडर महिना कर्ती वत्ती ठरावी नहीं; अने सो रुपिया कर्ती

अवेज वसूल थाय तेटलो माल जप्तिमां न जडे तो केदमां राखवा बाबत.

वत्तो दंड न होय तो केदनी मुद्दत चार क्यालेंडर महिना कर्तां वत्ती ठरावबी नहीं. अने ए सिवाय बीजे प्रसंगे केदनी मुद्दत छ क्यालेंडर महिना कर्तां वत्ती ठरावबीनहीं ; पण अंग्रेज आपे तो सदर्हू प्रसंगमांथी हरकोई प्रसंगे केदमांथी छोडी मुकबो.

सरकारी चाकरो पारका मुलकमां आ आक्ट विरूद्ध गुन्हो करशे तेओने शिक्षा करवाना अधिकार बाबत.

१९. इंडिया सरकारनी साथे जे पारका राजाने, अथवा संस्थानने दोस्तीनो संबंध होय ते राजाना, अथवा संस्थानना जे मुलकमां सरकारे वर्तमानसूचक विद्युतयंत्र चालू कऱ्यो होय ते मुलकमां सरकारनो कोई चाकर वर्तमानसूचक विद्युतयंत्रनां खातांमां चाकरी करतो होय ते, हिंदुस्थानमांहेनां अंग्रेज सरकारना मुलकमां तेनां जेवुं काम जे मांणसने आप्युं होय ते मांणसे फलांणां फलांणां काम करवां नहीं, अथवा फलांणां फलांणां काम करवां एवुं आ आक्टमां कह्युं छे ते प्रमांणे मना करेलां कामो मांनुंकंई काम तेवा राजाना, अथवा संस्थानना मुलकमां करशे ; अथवा जे कामो करवानो फरमाव्युं छे ते माहेलुं कंई काम न करशे तो, ते सरकारी चाकर गुन्हेगार थशे ; अने गुन्हो साबित थया पछी शिक्षा करवी ते, मना करेलां कामो अंग्रेज सरकारना सदर्हू मुलकमां कऱ्याथी, अथवा जे कामो करवाने फरमाव्युं छे ते नहीं कऱ्याथी जे रीते शिक्षा थाय छे ते रीते तेने शिक्षा थशे. अने सरकारना चाकरे तेवा मुलकमां करेला गुन्हानी तपास करवानो इंडियाना गवरनर जनरल इन् कौंसिले जे कोर्टने, अथवा अंमलदारने अधिकार आप्यो होय तेणे ते चाकरनो इनसाफ करीने, गुन्हानी साबितीनो ठराव करीने गुन्हानां स्वरूप प्रमाणे दंड, अथवा बीजी शिक्षा करवी ; अथवा हिंदुस्थानमांहेना अंग्रेज सरकारना मुलकना कोई भाग मांहेनी कोर्ट अथवा माजिस्ट्रेट अथवा बीजो कोई योग्य अंमलदार अंग्रेजी मुलकना कोई भागमां गुन्हो थयो होय त्यारे जे रीते इनसाफ करीने, गुन्हानी साबितीनो ठराव करीने गुन्हानां स्वरूप प्रमाणे दंड, अथवा बीजी शिक्षा करे छे ते रीते ते कोर्टे, अथवा माजिस्ट्रेटे, अथवा बीजा योग्य अंमलदारे ते चाकरनो इनसाफ करीने, गुन्हानी साबितीनो ठराव करीने गुन्हानां स्वरूप प्रमाणे तेने दंड, अथवा बीजी शिक्षा करवी.

शब्दना अर्थबाबत.

२०. आ आक्टमां "माजिस्ट्रेट" आ शब्द लख्यो छे तेमां जोंइंट माजिस्ट्रेटनो, तथा जे मांणस माजिस्ट्रेटनो अधिकार कायदा प्रमाणे चलावतो होय तेनो समास थाय छे एवुं समजवुं ; अने "दंड" ए शब्दमां गुन्हेगारी ए शब्दनो समास थाय छे एवुं समजवुं.

परवानगीथी थयेला वर्तमानसूचक विद्युत यंत्रबाबत सरकारे कानुनो करवी ते विशे.

२१. आ आक्ट प्रमाणे परवांनगी लईने करेला वर्तमानसूचक विद्युतयंत्रनुं काम चलाववासारू कानुनो ठरावबानो अधिकार, अने एवा यंत्रने, तथा एवा यंत्रनो उपयोग करनारां मांणसने, अथवा एवा यंत्र संबंधी चाकरीए राखेलां मांणसने आ आक्टना कया कया भाग लागू छे ते वखते वखते ठरावबानो अधिकार गवरनर जनरल इन् कौंसिलने छे.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

"A BILL TO AMEND ACT No. VIII. OF 1859 (FOR SIMPLIFYING THE PROCEDURE OF THE COURTS OF CIVIL JUDICATURE NOT ESTABLISHED BY ROYAL CHARTER".)—Murathee.

खालीं लिहिलेला आक्टाचा मसुदा सन १८५९ चे जुलै महिन्याचे ९ वे तारिखेस इंडियाचे लेजिस्लेटिव कौन्सिलांत दुसरे वेळीं वाचून सिलेक्ट कमिटीकडे सोंपला, ती कमिटी येत्या अक्टोबर महिन्याचे १३ वे तारिखे नंतर त्या मसुद्या विषयीं रिपोर्ट करणार आहे :—

"दिवाणी इनसाफाचीं कोर्टें बादशाही सनदेवरून स्थापलीं नसतील त्यांचो काम चालविण्याची रीत सुलभ करण्याबाबद" सन १८५९ चा ८ वा आक्ट आहे तो सुधारण्या विषयींचे आक्टाचा मसुदा.

उद्देश.

"दिवाणी इनसाफाचीं कोर्टें बादशाही सनदे वरून स्थापलीं नसतील त्यांची काम चालविण्याची रीत सुलभ करण्याबाबद" सन १८५९ चा ८ वा आक्ट आहे तो सुधारणे योग्य आहे यास्तव, खालीं लिहिल्या प्रमाणे ठरविलें आहे :—

सदर कोर्टास झालेले अपीलांची चौकशी दोन किंवा अधिक जज्जानी करावी.

१. "सदर कोर्टास अपील झालें असेल तर त्याची चौकशी करून निकाल करणे तो त्या कोर्टाचे तीन किंवा अधिक जज्जानी बसून करावा" असा ठराव सन १८५९ चे ८ वे आक्टाचे ३३२ वे कलमाचे जेवढे भागांत आहे तेवढा भाग हा आक्ट ठरल्या नंतर रद्द होईल असें समजावें; व त्या भागा बद्दल खालीं लिहिलेला मजकूर सदर्हू कलमाचा भाग आहे असें समजावें.

"सदर कोर्टास अपील झालें असेल तर त्याची चौकशी करून निकाल करणे तो त्या कोर्टाचे दोन किंवा अधिक जज्जानी बसून करावी. कोर्टांत दोनच जज्ज असतील, व पुराव्यावरून त्यांचीं मतें भिन पडतील, व त्यांतून एका जज्जाचें मत मुकदम्यांतील हकिकती विषयीं कनिष्ठ कोर्टाचे मताशीं मिळेल तर त्या मुकदम्याचा निकाल त्या प्रमाणे करावा. दोनच जज्जाचें कोर्ट असून कायद्या संबंधी त्यांचें मत भिन पडेल तर, जा गोष्टी बाबद आपलीं मतें भिन असतील ती गोष्ट त्याणी त्याहावी, व तिजविषयीं दुसरे जज्जापैकीं एका पुढें किंवा अधिकां पुढें पुनः तकरार करून सदर कोर्टाचे जज्जापैकीं अधिक जज्ज जा मताचे असतील त्या प्रमाणे त्या मुकदम्याचा निकाल करावा".

हुकुमनामा बजाविण्याविषयीं दरखास्त पोंचल्यावर काम कसें चालवावें.

२. हा आक्ट ठरल्या नंतर सदर्हू आक्टाचें २१५ वें कलम रद्द होईल असें समजावें; आणि त्याचे बदला खालीं लिहिलेला मजकूर २१५ वें कलम आहे असें समजावें.

"वर सांगितलेला तपशील किंवा त्यापैकीं मुकदम्यास जितका लागू असेल तितका तपशील लिहिलेली, हुकूमनामा बजाविण्या विषयींची, दरखास्त आपणास पोंचल्यावर कोर्टाने त्या दरखास्तीचें टिपण, व जा तारिखेस ती दिली असेल ती तारीख मुकदम्याचे नोंदींत त्याहावी. तपशील अवल हुकूमनाम्याशीं मिळत नाहीं असें कोर्टास दाखवून दिलें तर दरखास्त देणारे मनुष्यास नीट करण्यासाठीं कोर्टाने ती परत करावी, किंवा सदर्हू प्रकारचे मनुष्याचे अनुमताने जरूर असेल तितकी ती नीट करवावी. दरखास्त मंजूर झाली तर, दरखास्तीचे प्रकारा प्रमाणे हुकूमनामा बजाविण्याविषयीं कोर्टाने हुकूम करावा."

कायदे लागू नसणारे प्रांतास आक्ट लागू करणे.

३. बंगालचे, किंवा मद्रासचे, किंवा मुंबईचे सामान्य कायदे लागू नसणारे मुलुकाचे कोणतेही भागास सदर्हू आक्ट, त्याचे ३८५ वे कलमांतील ठरावा अन्वयें, लागू करण्यांत येईल तेव्हां, जा सरकारचे ताब्यांत तो मुलुक असेल त्या सरकारास योग्य वाटेल तशे शरतेने, किंवा इयत्तेने, किंवा नियमाने तो आक्ट त्या मुलुकांत चालू होईल असा ठराव करण्याचा अधिकार त्या सरकारास आहे. सदर्हू प्रकारचे प्रसंगीं सदर्हू प्रकारची शर्त, किंवा इयत्ता, किंवा नियम, सदर्हू प्रमाणे आक्ट लागू करण्याविषयींचे ठरावांत, किंवा जाहिरनाम्यांत दाखल करावा. जा सरकारचे ताब्यांत मुलुख असेल तें सरकार सदर्हू आक्ट त्या मुलुकास लागू करील, व लागू करण्याविषयीं शर्ती, किंवा इयत्ता, किंवा नियम ठरवील तेव्हां इंडियाचे गवरनर जनरल इन कौन्सिलांची मंजुरी पूर्वी घेतली पाहिजे असें समजावें.

(True translation)
VENAYEK WASSOODEW,
Oriental Translator to Government.

"A BILL TO AMEND ACT No. VIII. OF 1859 (FOR SIMPLIFYING THE PROCEDURE OF THE COURTS OF CIVIL JUDICATURE NOT ESTABLISHED BY ROYAL CHARTER.—Guzerathee.

हेठळ लेखलो आक्टनो मसुदो सन १८५९ ना जुलै महिनानी ९ मी तारिखे इंडियानी लेजिस्लेटिव कौंसिलमां बीजीवार वांचीने सिलेक्ट कमिटीने सोंप्यो, ते कमिटी आवता अक्टोबर महिनानी १३ मी तारीखपछी ते मसुदाबाबत रिपोर्ट करनार छे.

"दिवानी इनसाफनी कोर्टो बादशाही सनदउपरथी स्थापी नहीं होय तेओनुं काम चलाववानी रीत सेहेली करवाबाबत" सन १८५९ नो ८ मो आक्ट छे ते सुधारवा-बाबतना आक्टनो मसुदो.

उद्देश.

"दिवानी इनसाफनी कोर्टो बादशाही सनदउपरथी स्थापी नहीं होय तेओनुं काम चलाववानी रीत सेहेली करवाबाबत" सन १८५९ नो ८ मो आक्ट छे ते सुधारवो योग्य छे, वास्ते हेठळ लख्या प्रमाणे ठराव्युं छे :—

सदर कोर्टमां अपील थाय तेनी बे अथवा वत्ता जडजोए चोकसी करवी.

१ "सदर कोर्टमां अपील थई होय तो ते कोर्टना त्रण अथवा ते कर्ता वत्ता जडजोए बेसीने तेनी चोकसी करीने निकाल करवो" एवुं सन १८५९ ना ८ मा आक्टनी ३३२ मी कलमना जेटला भागमां ठराव्युं छे तेटलो भाग आ आक्ट ठर्यापछी रद्द थशे एवुं समजवुं; अने ते भागने बदले हेठळ लखेलो मजकूर ते कलमनो भाग छे एवुं समजवुं.

"सदर कोर्टमां अपील थई होय तो ते कोर्टना बे अथवा ते कर्ता वत्ता जडजोए बेसीने तेनी चोकसी करीने निकाल करवो. कोर्टमां बेज जडजो होय, अने पुराव उपरथी तेओनो अभिप्राय जूदो पडे, तेमां एक जडजनो अभिप्राय, मुकरदमानी हकीगतबाबत ताबानी कोर्टनो अभिप्राय होय तेनी साथे मळतो होय तो, ते मुकरदमानो ते प्रमाणे निकाल करवो. बे जडजोनी कोर्ट होय, अने कायदा बाबत तेओनो अभिप्राय जूदो जूदो होय तो जे बातबाबत तेओनो अभिप्राय जूदो होय तेबात तेओए लखवी; अने तेबाबत बीजा जडजोमांना एक जडजनी आगळ, अथवा वत्ता जडजोनी आगळ पाछी तकरार करीने सदर कोर्टना जडजोमांना वत्ता जडजोनो जेवो अभिप्राय होय ते प्रमाणे ते मुकरदमानो निकाल करवो."

हुकमनामुं बजाववा बाबतनी दरखास्त आव्या पछी काम शी रीते चलाववुं.

२. आ आक्ट ठर्या पछी ते आक्टनी २१५ मी कलम रद्द थशे एवुं समजवुं; अने तेने बदले हेठळ लखेलो मजकूर २१५ मी कलम छे एवुं समजवुं.

"उपर कहेली विगत, अथवा तेमांनी जेटली मुकरदमाने लागू होय तेटली विगत लखीने हुकमनामुं बजाववा बाबतनी दरखास्त आव्यापछी कोर्टे ते दरखास्तनी टीप, अने जे तारिखे दरखास्त आपी होय ते तारिख मुकरदमानी नोंधमां दाखल करवी. विगत अवल हुकमनामां साथे मळती नथी एवुं कोर्टने देखाडी आपे तो दरखास्त आपनारने ते दरखास्त दुरस्त करवासारू पाछी आपवी, अथवा ते माणसनुं अनुमत लईने जरूर होय तेटलुं तेमां दुरस्त करावबुं. दरखास्त मंजूर थाय तो दरखास्तमां लख्या प्रमाणे हुकमनामुं बजाववा बाबत कोर्टे हुकम करवो."

जे प्रांतने कायदा लागू नहीं होय तेने आक्ट लागू करवा बाबत.

३. बंगालाना, अथवा मद्रासना, अथवा मुंबईना सामान्य कायदा जे मुलकने लागू नहीं होय मुलकना कोई भागने सदर्हू आक्टनी ३८५ मी कलमना ठराव प्रमाणे ते आक्ट लागू करे त्यारे जे सरकारना ताबामां ते मुलक होय ते सरकारनी नजरमां आवे तेवी सरतथी, अथवा मर्यादाथी, अथवा नियमथी ते आक्ट ते मुलकमां चालू थशे एवुं ठरावबाने ते सरकार मुखत्यार छे. अने एवे प्रसंगे ते सरत, अथवा मर्यादा, अथवा नियम ते आक्ट लागू करवा बाबतना ठरावमां, अथवा जाहेरनामा-मां दाखल करवो. जे सरकारना ताबामां मुलक होय ते सरकार ते आक्ट ते मुलकने लागू करे, अने लागू करवाबाबतनी सरत, अथवा मर्यादा, अथवा नियम ठरावे त्यारे इंडियाना गवरनर जनरल इन् कौंसिलनी मंजूरी अगाउथी लेवी जोईये एवुं समजवुं.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

"A BILL FOR REGULATING THE ESTABLISHMENT AND MANAGEMENT OF ELECTRIC TELEGRAPHS IN INDIA."—Murathee.

खालीं लिहिलेला आक्टाचा मसुदा सन १८५९ चे आगस्ट महिन्याचे ६ वे तारिखेस इंडियाचे लेजिस्लेटिव कौन्सिलांत दुसरे वेळीं वाचून सिलेक्ट कमिटीकडे सोंपला, ती कमिटी येत्या नवेंबर महिन्याचे १० वे तारिखे नंतर त्या मसुद्या विषयीं रिपोर्ट करणार आहे:—

हिंदुस्थानांत वर्तमानसूचक विद्युद्यंत्रें स्थापण्याचे, व त्यांचा बंदोबस्त ठेवण्याचे नियम ठरविण्या विषयींचे आक्टाचा मसुदा.

उद्देश.

हिंदुस्थानांत वर्तमान सूचक विद्युद्यंत्रें स्थापण्याचे, व त्यांचा बंदोबस्त ठेवण्याचे नियम आहेत त्यांहून चांगले नियम ठरविणे योग्य आहे यास्तव, खालीं लिहिल्या प्रमाणे ठरविलें आहे.

आक्ट रद्द केला तो.

१. सन १८५४ चा ३४ वा आक्ट या आक्टावरून रद्द केला आहे; परतुं हा आक्ट अमलांत येण्या पूर्वी कोणतेंही कृत्य, किंवा गुन्हा घडला असेल, किंवा केला असेल त्या विषयीं; किंवा दंडाचा, किंवा गुन्हेगारीचा पेंच आला असेल त्याविषयीं; किंवा कोणतेंही प्रकरण सुरू झालें असेल त्याविषयीं सदर्हू आक्ट रद्द आहे असें समजूं नये.

वर्तमानसूचक विद्युद्यंत्रें स्थापण्याचा अनन्य ग्राह्याधिकार गवरनर जनरल इन् कौन्सिलास आहे.

२. हिंदुस्थानांतील इंग्रज सरकारचे मुलुकांत वर्तमानसूचक विद्युद्यंत्रें स्थापण्याचा अनन्य-ग्राह्याधिकार इंडियाचे गवरनर जनरल इन् कौन्सिल यांस आहे; परंतु असें ठरविलें आहे कीं सदर्हू मुलुकाचे कोणतेही भागांत वर्तमानसूचक विद्युद्यंत्र स्थापण्याची परवानगी कोणी मनुष्यास, किंवा मंडळीस देण्याचा अधिकार इंडियाचे गवरनर जनरल इन् कौन्सिलास आहे. त्या परवानगींतील कोणतीही शर्त तोडली असतां ती परवानगी रद्द होण्यास पात्र होईल.

विशेष ठराव.

परवानगी वांचून वर्तमान सूचक विद्युद्यंत्रें स्थापलीं किंवा चालू ठेवलीं असतां शिक्षा होईल ती.

३. वर सांगितल्या प्रमाणे परवानगी मिळाल्यावांचून सदर्हू मुलुकांत कोणी मनुष्य वर्तमानसूचक विद्युद्यंत्र स्थापील, किंवा ती परवानगी रद्द झाल्यावर चालू ठेवील, तो एकहजार रुपये पर्यंत दंडास पात्र होईल; व जेवढे आठवडे तें यंत्र चालू राहील तेवढे मुदतीचे प्रत्येक आठवडयास पांचशें रुपये पर्यंत आणखी दंडास तो पात्र होईल.

सदर्हू प्रकारचे वर्तमान सूचक यंत्राचा उपयोग केला किंवा तें चालविलें असतां शिक्षा होईल ती.

४. अमुक वर्तमानसूचक विद्युद्यंत्र परवानगी वांचून आहे असें जाणत असतां, किंवा असें समजण्यास सबब असतां निरोप पाठविण्या करितां, किंवा निरोप आपणास पोंचण्या करितां त्या यंत्राचा उपयोग जो मनुष्य करील; अथवा त्या यंत्रा संबंधी कोणतेंही काम करील तो मनुष्य अशे प्रत्येक गुन्ह्याबद्दल पंनास रुपये पर्यंत दंडास पात्र होईल.

परवानगी घेऊन स्थापलेलीं वर्तमानसूचक यंत्रें आपले कबजांत घेण्याचा अधिकार सरकारास आहे

५. सदर्हू मुलुकांत परवानगी घेऊन स्थापलेलें कोणतेंही वर्तमानसूचक विद्युद्यंत्र, प्रसंग पडला असतां, तूर्त आपले कबजांत घेण्याचा अधिकार इंडियाचे गवरनर जनरल इन् कौन्सिल यांस आहे.

लोखंडी सडक बांधणारे मंडळीचे जागेवर वर्तमान सूचक यंत्रें स्थापण्याचा अधिकार सरकारास आहे

६. लोखंडी सडकेचे बाजूस तुमचे जमिनीवर वर्तमानसूचक विद्युद्यंत्र स्थापूं द्या असें इंडियाचे गवरनर जनरल इन् कौन्सिल याणी लोखंडी सडक बांधणारे कोणतेही मंडळीस सांगितलें असतां, त्या मंडळीने सरकारास त्या प्रमाणे यंत्र स्थापूं दिलें पाहिजे; व तें यंत्र स्थापण्याविषयीं, व त्याचा उपयोग करण्याविषयीं सोय करून देणे योग्य ती सर्व सोय करून दिली पाहिजे.

वर्तमान सूचक सरकारी यंत्राचें काम चालविण्याविषयीं गवरनर जनरल इन् कौन्सिल याणी कानू कराव्या.

७. सरकारानें स्थापलेले वर्तमानसूचक विद्युद्यंत्राचें काम चालविण्या बाबद या आक्टास अनुसरून कानूं वेळोवेळा करण्याचा अधिकार, आणि निरोप व सूचना पाठविण्याचे नियम, व शर्ती, व मर्यादा त्या कानूंत ठरविण्याचा अधिकार इंडियाचे गवरनर जनरल इन् कौन्सिल यांस आहे.

नुकसानीची जबाबदारी सरकाराकडे नाहीं.

८. वर्तमानसूचक विद्युद्यंत्राचे खात्यांत, सरकाराने ठेवलेले कोणतेही मनुष्यास निरोप पाठविण्यास सोंपला असेल, त्या मनुष्याने तो निरोप बरोबर न पाठविल्यामुळें नुकसान झाल्यास त्याची जबाबदारी सरकाराकडे नाहीं; आणि असें नुकसान सदर्हू मनुष्याने हयगय करून, किंवा द्वेषाने, किंवा कपटाने केलें नसेल तर त्याची जबाबदारीही त्या मनुष्याकडे नाहीं.

खुणा करण्याचे खोलींत परवानगी वांचून गेलें असतां शिक्षा होईल ती.

९. वर्तमानसूचक सरकारी कारखान्यांतील खुणा करण्याचे खोलींत परवानगी वांचून कोणी मनुष्य जाईल; अथवा तेथून निघून जा म्हणून तेथील कोणतेही अंमलदाराने, किंवा कामगाराने सांगितलें असतां निघून जाणार नाहीं; अथवा असे कोणतेही अंमलदारास, किंवा कामगारास आपलें काम करीत असतां बुध्या अडथळा, किंवा हरकत करील तो शंभर रुपये पर्यंत दंडास पात्र होईल.

लैन तोडल्यास शिक्षा होईल ती.

१०. तारीस कापून, किंवा इतर रितीने नुकसान करून; अथवा लैनीचे कोणतेही भागास, किंवा खांबास, किंवा संचास नुकसान करून; अथवा इतर कांहीं उपाय करून कोणी मनुष्य वर्तमानसूचक सरकारी विद्युद्यंत्रांतून सूचना पाठविण्याचे कामास बुध्या हरकत करील, किंवा तसें करण्यास यत्न करील तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरीवांचून कैदेचे शिक्षेस, अथवा दंडास, अथवा या दोन्ही शिक्षांस, पात्र होईल.

निरोप पाठविला नाहीं किंवा पोंचविला नाहीं किंवा गुह्य निरोप उघड केला तर शिक्षा होईल ती.

११. वर्तमानसूचक विद्युद्यंत्राचे खात्यांत सरकार चाकरींत असणारे कोणतेही मनुष्याकडे पाठविण्याकरितां, किंवा पोंचविण्या करितां निरोप आला असेल तो निरोप तो मनुष्य बुध्या लपवील, किंवा त्याची वाट लावील, किंवा फिरवील, किंवा पाठविणार नाहीं; अथवा असा त्याकडे आलेला निरोप गुप्त ठेवण्यास त्यास सांगितलें असतां तो बुध्या उघड करील; किंवा इंडिया सरकारचे किंवा मद्रास किंवा मुंबई सरकारचे सेक्रेटारीने, किंवा बंगालचे किंवा वायव्यप्रांताचें किंवा पंजाबचे लेफटेनेंट गवरनराचे सेक्रेटारीने, किंवा अयोध्येचे मुख्य कमिशनराने सरकारी नात्याने हुकूम दिल्यावांचून इतर रितीने उघड करील, किंवा सदर्हू प्रमाणे हुकूम देण्याचा अधिकार इंडियाचे गवरनर जनरल इन् कौन्सिलाने जा इतर अंमलदारांस दिला असेल त्या अंमलदारानीं हुकूम दिल्यावांचून उघड करील तर तो, पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरी वांचून कैदेचे शिक्षेस, किंवा दंडास, किंवा या दोन्ही शिक्षांस पात्र होईल.

लांच देण्यास काढला तर शिक्षा होईल ती.

१२. वर्तमानसूचक विद्युद्यंत्राचे खात्यांत सरकार चाकरीस असणारे कोणी मनुष्याने जें जें केलें पाहिजे त्या विरुद्ध जो त्या जवळून करविण्या विषयीं त्यास कोणी लांच देण्यास काढील तो पराकाष्ठा साहा महिने पर्यंत कैदेचे शिक्षेस, किंवा दंडास, किंवा या दोन्ही शिक्षांस पात्र होईल.

गर वर्तणुकेबाबद शिक्षा.

१३. कोणी मनुष्य सदर्हू प्रमाणे चाकरींत असतां कोणताही कैफ करील, किंवा कामांत दुर्लक्ष्य करील, किंवा इतर गैर वर्तणूक करील; आणि त्या पासून निरोप पाठविण्यास, किंवा पोंचविण्यास हरकत होईल; अथवा कोणी मनुष्य निरोप पाठविण्यांत, किंवा पोंचविण्यांत गमेल, किंवा विलंब लावील तर तो पराकाष्ठा तीन महिने पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरीवांचून कैदेचे शिक्षेस पात्र होईल, किंवा शंभर रुपये पर्यंत दंडास पात्र होईल, किंवा या दोन्ही शिक्षांस पात्र होईल.

सरकारास पैका दिल्या वांचून निरोप पाठविले असतां शिक्षा होईल ती.

१४. जा निरोपाचा पैका ठरविलेले दरा प्रमाणे दिला नसेल तो निरोप सरकारचें उमेन बुडविण्याचे इराद्याने सदर्हू प्रमाणे चाकरींत असणारा कोणी मनुष्य वर्तमानसूचक विद्युयंत्रांतून पाठवील तर तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरीवांचून कैदेचे शिक्षेस, किंवा दंडास, किंवा या दोन्ही शिक्षांस पात्र होईल.

बनाऊ निरोप पाठविला असतां शिक्षा होईल ती.

१५. अमुक निरोप खोटा आहे, किंवा बनाऊ आहे असें माहीत असून तो निरोप कोणी मनुष्य सरकाराने स्थापलेले वर्तमानसूचक विद्युयंत्रांतून पाठवील, किंवा दुसऱ्या कडून पाठवील तर तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं किंवा सक्त मजुरीवांचून कैदेचे शिक्षेस, किंवा दंडास, किंवा या दोन्ही शिक्षांस पात्र होईल.

माजिस्ट्रेटाची हुकुमत.

१६. कोणी मनुष्य युरोपियन ब्रिटिश रयत नसेल तो, या आक्टाचे १० वे, व ११ वे, व १२ वे व, १३ वे, व १४ वे, व १५ वे कलमांत सांगितलेले गुन्ह्यां पैकीं कोणताही गुन्हा बादशाही सनदे वरून स्थापलेले कोर्टाचे हुकुमतीचे स्थलसीमेबाहेर करील तर, जा माजिस्ट्रेटाचे हुकुमतींत गुन्हा घडला असेल त्या माजिस्ट्रेटास, गुन्ह्याची शाबिती झाल्यावर, त्या मनुष्यास शिक्षा, करण्याचा अधिकार आहे.

दंडाचा ठराव कोणी करावा.

१७. या आक्टांत जा गुन्ह्याविषयीं नुस्ते दंडाची शिक्षा ठरविली आहे त्यांपैकीं कोणताही गुन्हा कोणी मनुष्य युरोपियन ब्रिटिश रैयत असेल, किंवा नसेल त्याणे केला असतां त्यास तशे गुन्ह्याबद्दल शिक्षा करण्याचा अधिकार इलाक्याचीं मुख्य शहरें कलकत्ता, व मद्रास, व मुंबई येथील, अथवा "प्रिन्स आफ वेल्स ऐलांड" व सिंकापूर, व मलाका या सेटल्मेंटांतील पोलीस माजिस्ट्रेट, किंवा माजिस्ट्रेट, किंवा जाइंट माजिस्ट्रेट यास आहे, किंवा माजिस्ट्रेटांचा अधिकार चालविण्या विषयीं जा मनुष्यास कायद्यावरून अख्त्यार असेल आणि जाचा हुकुमतींत गुन्हा घडला असेल त्यास आहे, आणि या कलमांत जा मनुष्यास शिक्षा करण्याचा अधिकार पोलीस माजिस्ट्रेटास दिला आहे त्यावर संक्षिप्त रितीने गुन्ह्याची शाबिती करून त्यांस शिक्षा करावी.

दंड कसे वसूल करावे.

१८. जा गुन्ह्याबाबद नुस्ते दंडाची मात्र शिक्षा व्हावयाची त्या गुन्ह्याबाबद पोलीस माजिस्ट्रेट, किंवा माजिस्ट्रेट, किंवा जाइंट माजिस्ट्रेट, किंवा जास माजिस्ट्रेटाचा अधिकार चालविण्याविषयीं कायद्यावरून अख्त्यार असेल तो मनुष्य, किंवा माजिस्ट्रेटाचा आसिस्टंट, किंवा डिपुटी माजिस्ट्रेट याणे या आक्टाचे आधारावरून दंड ठरविला असेल तो न दिला तर, सदर्हू पैकीं कोणतेही अंमलदारास असा अधिकार आहे कीं त्याणे आपले सहीचें वारंट देऊन गुन्हेगाराची मालमिळकत जप्त करून विकून तो दंड वसूल करावा. आणि असा दंड गुन्हेगाराने तात्काळ न भरला तर जप्तीचे वारंटाचे परिणामाची हकिकत योग्य वेळीं लिहून येई तों पर्यंत त्यास धरून पाहाऱ्यांत ठेवण्याविषयीं हुकूम करण्याचा अधिकार सदर्हू अंमलदारास आहे. परंतु जप्तीचे वारंटाचे परिणामाची हकिकत जा जागीं व जा वेळीं पाठविण्याची असेल त्या जागीं, व त्या वेळीं मी हजर होईन असा सदर्हू अंमलदाराचे खात्रीचा जामीन गुन्हेगाराने दिला असतां त्या गुन्हेगारास पकडून पाहाऱ्यांत ठेवूं नये; आणि मुचलक्या प्रमाणे किंवा इतर रितीने सदर्हू प्रमाणे जामीन घेण्याचा अधिकार सदर्हू अंमलदारास आहे; आणि दंड वसूल करण्यापूर्वी माल जप्तींत सांपडत नाहीं असें जप्तीचे वारंटाचे परिणामाची हकिकत लिहून आल्यावरून दिसून येईल तर, आणि गुन्हेगार तात्काळ दंड न भरील, किंवा गुन्हेगाराचे जबानीवरून किंवा इतर रितीने सदर्हू अंमलदाराची खात्री होईल कीं जप्तीचें वारंट दिलें असतां केलेला दंड किंवा ऐवज वसूल होई इतकी मालमिळकत गुन्हेगाराजवळ नाहीं तर, आपले सहीचें वारंट देऊन आपले विचारास येईल त्याप्रमाणे नुस्ते कैदेंत ठेवण्यासाठीं, किंवा सक्त मजुरीनिशीं कैदेंत ठेवण्यासाठीं गुन्हेगारास तुरुंगांत पाठविण्याचा अधिकार सदर्हू अंमलदारास आहे. पंनास रुपयांहून अधिक दंड नसल्यास कैदेची मुदत दोन 'क्यालेंडर' महिन्यावर असूं नये, आणि शंभर रुपयांहून अधिक दंड नसल्यास कैदेची मुदत चार 'क्यालेंडर' महिन्यावर असूं नये; आणि या खेरीज इतर प्रसंगीं कैदेची मुदत 'साहा क्यालेंडर' महिन्यावर असूं नये; परंतु ऐवज दिला असतां सदर्हू पैकीं कोणत्याही प्रसंगीं कैदेंतून मोकळीक व्हावी.

जप्तींत माल पूर्ता न सांपडला तर कैदेंत ठेवावा.

सरकारी चाकर परमुलुकांत या आक्टा विरुद्ध गुन्हे करतील त्यांस शिक्षा करण्याचा अधिकार.

१९. इंडिया सरकाराशीं स्नेहाने असणारे परकी राजाचे, किंवा संस्थानाचे जा मुलुकांत सरकाराने वर्तमानसूचक विद्युयंत्र चालू केलें असेल त्या मुलुकांत सरकारचा चाकर वर्तमानसूचक विद्युयंत्राचे खात्यांत चाकरी करीत असेल तो खालीं लिहिल्याप्रमाणे करील, म्हणजे हिंदुस्थानांतील इंग्रज सरकारचे मुलुकांत त्यासारिखें काम दिलेले मनुष्यास जीं कृत्यें या आक्टांत निषिद्ध किंवा विहित सांगितलीं आहेत त्यांतील निषिद्ध कृत्यांपैकीं कोणतेंही कृत्य तशे राजाचे, किंवा संस्थानाचे मुलुकांत करील; अथवा विहित कृत्यांपैकीं कोणतेंही कृत्य न करील तर, तो सरकारचा असा चाकर गुन्हेगार होईल. आणि गुन्ह्याची शाबिती झाल्यावर शिक्षा होणे ती इंग्रज सरकारचे सदर्हू प्रकारचे मुलुकांत निषिद्ध कृत्य केलें असतां, किंवा विहित कृत्य न केलें असतां जा रितीने शिक्षा होते त्या रितीने त्यास शिक्षा होईल. आणि सरकार चाकराने तशे मुलुकांत केलेले गुन्हे पाहाण्याचा अधिकार इंडियाचे गवरनर जनरल इन् कौन्सिलाने जा कोर्टास, किंवा अंमलदारास दिला असेल त्याणे तशे चाकराचा इनसाफ करून गुन्ह्याचे शाबितीचा ठराव करून गुन्ह्याचे स्वरूपा प्रमाणे दंड किंवा इतर शिक्षा करावी; अथवा हिंदुस्थानांतील इंग्रज सरकारचे मुलुकाचे कोणतेही भागांतील कोर्ट, किंवा माजिस्ट्रेट, किंवा इतर योग्य अंमलदार सदर्हू प्रकारचे इंग्रज सरकारचे मुलुकाचे कोणतेही भागांत गुन्हा झाला असतां जा रितीने इनसाफ करून गुन्ह्याचे शाबितीचा ठराव करून गुन्ह्याचे स्वरूपा प्रमाणे दंड, किंवा इतर शिक्षा करितात त्यारितीने कोर्टाने, किंवा माजिस्ट्रेटाने, किंवा इतर योग्य अंमलदाराने अशा चाकराचा इनसाफ करून गुन्ह्याचे शाबितीचा ठराव करून गुन्ह्याचे स्वरूपाप्रमाणे त्यास दंड, किंवा इतर शिक्षा करावी.

शब्दांचा अर्थ.

२०. या आक्टांतील "माजिस्ट्रेट" या शब्दांत जाइंट माजिस्ट्रेट, व जीं मनुष्यें माजिस्ट्रेटाचा अधिकार कायदा अन्वयें चालवीत असतील त्यांचा समावेश होतो असें समजावें; आणि "दंड" या शब्दांत गुन्हेगारी या शब्दाचा समावेश होतो असें समजावें.

परवानगीने स्थापलेले वर्तमानसूचक यंत्राविषयीं कानूं करण्याचा सरकाराने कराव्या.

२१. या आक्टा प्रमाणे परवानगी घेऊन स्थापलेले वर्तमानसूचक विद्युयंत्राचें काम चालविण्याविषयीं कानूं करण्याचा अधिकार; आणि अशे यंत्रास, व अशे यंत्राचा उपयोग करणारे मनुष्यांस, अथवा अशे यंत्रासंबंधी चाकरीस ठेवलेले मनुष्यांस या आक्टाचे कोणते भाग लागू आहेत हें वेळोवेळीं ठरविण्याचा अधिकार गवरनर जनरल इन् कौन्सिल यांस आहे.

(True translation)
VENAYEK WASSOODEW,
Oriental Translator to Government.