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CONTAINING
Acts and Bills of the Legislative Council of India.

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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 inquired 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

Unlawfully receiving or having in possession property.

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.

Escape from lawful custody under sentence.

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.

Returning from transportation or banishment.

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.

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

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 may transfer any case from one jurisdiction to another.

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.

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

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.

Chapter II.

PRELIMINARY RULES.

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

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.

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

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.

Imprisonment in default of payment of fine.

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.

Levy of fines.

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.

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

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.

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

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.

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

22. Nothing in the foregoing Section shall be taken to prevent any Officer, exercising the lawful powers of a 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.

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

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.

Chapter III.

OF THE SUMMONS AND WARRANT OF ARREST.

Proceeding to compel appearance.

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.

Complaint.

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

To be reduced into writing and signed.

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.

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,

Warrant to be endorsed may be sent by post.

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 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 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 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.

Proviso.

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.

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 recognisance.

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 burkundazes 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 authorised 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 INQUIRY 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.

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

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.

Discretionary with the Magistrate to take evidence for the defence.

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.

Witnesses for the defence.

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

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

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.

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

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.

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

When Sudder Court or Court of Session may direct a tender of pardon.

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.

Bail.

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

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.

When may be taken.

When bail shall 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.

Recognisance of accused and sureties.

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.

Insufficient bail.

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.

Bail may be taken any time before conviction.

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.

Discharge on bail.

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 of sureties.

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.

Proceedings to compel payment of penalty by accused.

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 sureties.

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.

Warrant of Commitment.

Warrant of commitment how to be directed, &c.

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.

With whom to be lodged.

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

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 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 cognisance 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 cognisance 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.

Amendment of charge.

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

When the trial may be immediately proceeded with after amendment.

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 a new trial may be ordered, or trial suspended.

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.

Defendant may recall and cross-examine witnesses for prosecution.

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.

Chapter XIII.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

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

Cases in which Magistrate may issue a warrant.

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.

Summons instead of warrant.

Issue of process.

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.

Charge.

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.

Plea.

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 of "Not guilty."

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.

Evidence for the defence.

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.

Witnesses for the defence.

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

Conviction.

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

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

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

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.

Minute of names of Jurors attending at each Session.

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.

Jurors to be chosen by lot.

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.

Names of Jurors to be called.

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.

Objections.

Objection to Juror by whom to be made.

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.

Grounds of objection.

259. The following shall be deemed to be sufficient 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.

Further ground of objection by the accused person.

(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.

Foreman of Jury.

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.

One Jury may try in succession several offenders.

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

View by Jury.

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.

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

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.

Penalty for non-attendance of Juror.

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.

Chapter XIX.

TRIALS BEFORE THE COURTS OF SESSION.

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

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.

Every trial before Court of Session to be conducted by Government Pleader, &c.

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.

Postponement of trial.

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.

Commencement 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.

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

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.

Examination of witnesses.

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

Witness refusing to answer may be committed to custody.

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

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.

Proviso. Provided that, in any such case tried before a Court of Session, it shall not be competent to the Sudder Court, except 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.

Copy of judgment to accompany petition.

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.

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 TO MAKE PERPETUAL ACT No. XXVIII. OF 1857 (RELATING TO THE IMPORTATION, MANUFACTURE, AND SALE OF ARMS AND AMMUNITION, AND FOR REGULATING THE RIGHT TO KEEP, OR USE THE SAME)."—Murathee.

खालीं लिहिलेला आक्टाचा मसुदा सन १८५९ चे आगस्ट महिन्याचे २७ वे तारिखेस इंडियाचे लेजिस्लेटिव कौन्सिलांत दुसरे वेळीं वाचून सिलेक्ट कमिटी-कडे सोपला, ती कमिटी येत्या डिसेंबर महिन्याचे १ ले तारिखेनंतर त्या मसुदा-विषयीं रिपोर्ट करणार आहे:—

"हत्यारें व युद्धसामग्री मुलुकांत आणण्याबाबद, व करण्याबाबद, व विकण्याबाबद; आणि ती ठेवण्याचे, किंवा तिचा उपयोग करण्याचे हक्कासंबंधी नियम ठरविण्या-बाबद" सन १८५७ चा २८ वा आक्ट आहे तो, नेहेमीचा करण्याविषयींचे आक्टाचा मसुदा.

"हत्यारें व युद्धसामग्री मुलुकांत आणण्याबाबद, व करण्याबाबद, व विकण्याबाबद; आणि ती ठेवण्याचे, किंवा तिचा उपयोग करण्याचे हक्कासंबंधी नियम ठरविण्याबाबद आक्ट म्हणून सन १८५७ चे सप्टेंबर महिन्याचे ११ वे तारिखेस एक आक्ट ठरविला; आणि तो आक्ट दोन वर्षे पर्यंत अमलांत राहील असा त्यांत ठराव आहे; आणि सन १८५७ चा २८ वा आक्ट, सन १८५९ सालाचे अखेरी पर्यंत, अमलांत राहील असा ठराव सन १८५९ चे १९ वे आक्टांत केला आहे यास्तव; आणि सन १८५७ चा २८ वा आक्ट नेहेमीचा करणे योग्य आहे यास्तव, खालीं लिहिल्याप्रमाणे ठरविलें आहे:— उद्देश.

१. सन १८५७ चा सदर्हू २८ वा आक्ट या आक्टावरून नेहेमीचा केला आहे. सन १८५७ चा २८ वा आक्ट नेहमीचा केला.

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

त्या आक्टाची नकल खालीं लिहिली आहे.

सन १८५७ चा आक्ट २८ वा.

इंडियाचे लेजिस्लेटिव कौन्सिलाने ठरविला तो, गवरनर जनरल याणी सन १८५७ चे सप्टेंबर महिन्याचे ११ वे तारिखेस मंजूर केला.

हत्यारें व युद्धसामग्री मुलुकांत आणण्याबाबद, व करण्याबाबद, व विकण्याबाबद; आणि ती ठेवण्याचे, किंवा तिचा उपयोग करण्याचे हक्कासंबंधी नियम ठरविण्याबाबद आक्ट.

हत्यारें व युद्धसामग्री मुलुकांत आणण्या बाबद, व ती करण्या बाबद, व विकण्या बाबद; आणि ती ठेवण्याचे, किंवा तिचा उपयोग करण्याचे हक्का बाबद नियम ठरविणे योग्य आहे यास्तव, खालीं लिहिल्या प्रमाणे ठरविलें आहे:— उद्देश.

जा जागांस हें कलम लागू करतील त्या जागीं हत्यारें कबजांत असण्याची लेखी सुचना माजिस्ट्रेटास द्यावी.

१. इंडियाचे गवरनर जनरल इन् कौन्सिल, किंवा कोणतेही प्रेसिडेन्सीचें किंवा जागेचें राज्यकारभार चालविणारें सरकार यांचे हुकुमावरून या कलमांतील ठराव जा प्रांतास, किंवा जागेस लागू केले असतील तेथील सर्व मनुष्यांनी हुकुमांत लिहिलेले वेळांत, किंवा वेळ लिहिला नसेल तर प्रांतांत किंवा जागेंत हुकूम प्रसिद्ध झाल्या पासून एके आठवडयांत खालीं लिहिलेले गोष्टीची लेखी सुचना माजिस्ट्रेटास, किंवा राज्यकारभार चालविणारे सरकाराने नेमलेले इतर अंमलदारास द्यावी: म्हणजे आपले कबजांत, किंवा आपले जागेंत आपले पदरचे मनुष्यांचे किंवा चाकरांचे कबजांत अग्निशस्त्रें, किंवा संगीन, किंवा तरवार, किंवा भाला, किंवा भाल्याचें फळ, किंवा सदर्हू हुकुमांत लिहिलेलें इतर मारक हत्यार असेल त्या विषयीं लेखी सुचना द्यावी; आणि सदर्हू प्रकारचीं हत्यारें पुढें कोणतेही वेळीं आपले कबजांत येतील, किंवा सदर्हू प्रकारचे आपले पदरचे मनुष्यांचे, किंवा चाकरांचे कबजांत येतील त्याविषयीं ही लेखी सुचना तात्काळ द्यावी. सदर्हू प्रमाणे कबजांत असणारे हत्यारांची संख्या, व वर्णन सुचनेंत ल्याहावें; आणि पदरचे मनुष्यांचे, किंवा चाकरांचे कबजांत हत्यारें असतील त्या प्रसंगीं त्या पदरचे मनुष्यांचीं किंवा चाकरांचीं नावें, व ते कोणकोणत्या कामावर ठेवले आहेत तीं कामेंही त्या सुचनेंत ल्याहावीं.

सुचनेंत काय ल्याहावें तें.

सुचना देण्यास बुध्दा हयगय केली तर शिक्षा होईल.

२. सदर्हू प्रकारची सुचना देण्यास कोणी मनुष्य बुध्दा हयगय करील त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो पांचशें रुपये पर्यंत दंडास पात्र होईल; आणि सदर्हू प्रकारचे मनुष्याचे कबजांत हत्यारें असतील तीं सर्व धरावीं; आणि गुन्हा ठरिवणारा माजिस्ट्रेट हुकूम करील तर तीं सर्व सरकार दाखल करावीं; आणि हत्यारांविषयीं सुचना देण्यास त्याणे सदर्हू प्रमाणे हयगय केली असेल तीं हत्यारें त्याचे खानगी उपयोगास वाजवी रितीने जितकीं अवश्य असावीं त्यापेक्षां अधिक आहेत असें वाटेल तर, तो मनुष्य पराकाष्ठा दोन वर्ष पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरी वांचून कैदेचे शिक्षेस पात्र होईल, आणि पांच हजार रुपये पर्यंत दंडासही पात्र होईल. आणि सदर्हू प्रकारचे मनुष्याचे कबजांत, किंवा त्याचे जागेंत हत्यारें, किंवा कोणतीही युद्धसामग्री, किंवा लश्करी सामान सांपडेल तें सरकार दाखल करावें.

याद तयार करावी व दाखले मागितले असतां द्यावे.

३. हत्यारें कबजांत असणारे मनुष्यांचे नावांची, आणि सदर्हू प्रकारांचे हत्यारांचे संख्येची, व वर्णनाची याद माजिस्ट्रेटाने सदर्हू प्रकारचे सुचनेवरून तयार करवावी; आणि सदर्हू प्रकारची सुचना देणारे मनुष्याने सुचनेचे तारिखेचा, व तींत लिहिलेले हत्यारांचे संख्येचा, व वर्णनाचा दाखला मागितला असतां तो त्यास माजिस्ट्रेटाने द्यावा.

हत्यारें व युद्धसामग्री माजिस्ट्रेटाने धरून अटकावून ठेवावी.

४. सदर्हू प्रकारचीं हत्यारें, किंवा युद्धसामग्री अमुक मनुष्याचे कबजांत राहिली असतां सार्वजनिक स्वस्थतेस भयावह होईल असें सरकारचे, किंवा माजिस्ट्रेटाचे नजरेस येईल तर तीं हत्यारें, किंवा युद्धसामग्री धरून जरूर वाटेल तितके वेळ पर्यंत बंदोबस्तांत ठेवण्याचा अधिकार माजिस्ट्रेटास आहे.

जा जागेस हें कलम लागू करतील त्या जागीं माजिस्ट्रेटाचे किंवा अधिकार असणारे इतर अंमलदाराचे परवानगी वांचून हत्यारें बांधून मनुष्यें जातील त्यांचीं हत्यारें कांहीं प्रसंगीं घेण्याचा अधिकार आहे.

हत्यारें घेण्याचा अधिकार कोणते अंमलदारास वगैरे आहे.

५. इंडियाचे गवरनर जनरल इन् कौन्सिल यांचे हुकुमावरून, अथवा कोणतेही प्रेसिडेन्सीचे किंवा जागेचे राज्यकारभार चालविणारे सरकाराचे हुकुमावरून या कलमांतील ठराव जा प्रांतास, किंवा जागेस लागू करतील त्या प्रांतांत, किंवा जागेंत सदर्हू प्रकारचें कोणतेही हत्यार बांधून कोणी मनुष्य फिरेल, आणि हत्यार बांधून फिरण्याविषयीं आपणास परवाना मिळाला आहे, किंवा सदर्हू ठराव आपणास लागू नाहींत असें सरकाराने ठरविलें आहे असा माजिस्ट्रेटाकडील दाखला, किंवा सदर्हू प्रकारचे परवाने देण्याचा अधिकार सरकाराने जा इतर अंमलदारास दिला असेल त्याकडील दाखला हजर न करील, किंवा सदर्हू ठराव आपणास इतर कारणामुळें लागू नाहींत असें वाजवी प्रमाण न दाखवील, आणि हत्यारें बांधून त्यास फिरूं दिल्याने सार्वजनिक स्वस्थतेस भयावह आहे असें खालीं लिहिलेले कोणतेही अधिकाऱ्यास वाटेल तर, त्या मनुष्यापासून हत्यारें घेण्याचा अख्त्यार त्या अधिकाऱ्यांस आहे. ते अधिकारी बितपशील:—माजिस्ट्रेट, किंवा डेपुटी माजिस्ट्रेट, किंवा माजिस्ट्रेटाचा आसिस्टंट, किंवा राणीचे किंवा ईस्ट इंडिया कंपनीचे चाकरींतील कोणताही युरोपियन सनदी अंमलदार, किंवा सरकारचे हुकुमावरून केलेलें "व्हालेंटियरकोर" या प्रकारचे पलटणींतील

कोणी मनुष्य कामगिरीवर असेल तो, किंवा कोणताही पोलीस अंमलदार. परंतु असें ठरविलें आहे की कोणी मनुष्य जा प्रांतांत, किंवा जागेंत राहात असेल, किंवा असेल त्या प्रांतांतील किंवा जागेंतील, माजिस्ट्रेटाचे मतें त्या मनुष्याचे खानगी उपयोगासाठीं वाजवी रितीने अमुक हत्यारें अवश्य असावीं तीं हत्यारें प्रवासास जाताना बरोबर नेण्याचा त्या माजिस्ट्रेटाकडील परवाना त्या मनुष्याजवळ असेल, आणि परवानेवाल्याचें नाव, व पत्ता, आणि जा मार्गाने त्याचा जाण्याचा इरादा असेल तो मार्ग, व प्रवासास सुमारें किती मुदत लागेल ती, व कोणकोणतीं हत्यारें नेण्याची परवानगी मिळाली असेल तीं हत्यारें लिहिलेला दाखला सदर्हू माजिस्ट्रेटाकडून घेईल तर, त्यांत लिहिलेले सर्व प्रांतांतील, किंवा जागांतील माजिस्ट्रेटानी हत्यारें बांधून जाण्याविषयीं परवानगी दिली असती तर ती जा प्रमाणे चालती, त्या प्रमाणे सदर्हू दाखला चालेल असें समजावें.

प्रवासी लोकांस हत्यारें नेण्याविषयीं परवाने.

६. वरील ठराव खालीं लिहिलेल्यांस लागू नाहींत असें समजावें.

अपवाद.

१. राणीचे किंवा ईस्ट इंडिया कंपनीचे लश्करी, किंवा आरमारी चाकरींतील अंमलदार, व शिपाई, व खलाशी यांस सरकारी चाकरीसाठीं हत्यारें, व युद्धसामग्री त्याणी बाळगिली असेल ती विषयीं,

अंमलदार व शिपाई व खलाशी.

२. 'व्हालेंटियर कोर' या प्रकारचे पलटणींतील मनुष्यास—सदर्हू प्रकारचे हत्यारांविषयीं, व युद्धसामग्री विषयीं मात्र,

"व्हालेंटियर."

३. पोलीस अंमलदारांस, व मुलकी अंमलदारांस, व इतर मनुष्यांस सरकारचे चाकरीसाठीं सरकाराने हत्यारें व युद्धसामग्री दिली असेल ती विषयीं, किंवा सरकारचे हुकुमाने सरकारचे चाकरीसाठीं त्याणी आपण स्वतः हत्यारें, व युद्धसामग्री घेतली असेल ती विषयीं,

पोलीस अंमलदार व मुलकी अंमलदार,

४. सदर्हू प्रकारचे ठराव अमुक मनुष्यांस लागू करूं नये असें सरकारास वाटेल त्या मनुष्यांस,

इतर मनुष्यें.

कोणतेही तारवाचीं, किंवा गलबताचीं हत्यारें, व युद्धसामग्री वाजवी रितीने सुमारें जितकी अवश्य असावी तिवाहून जास्त नसल्यास तीसही सदर्हू ठराव लागू नाहींत असें समजावें.

गलबतावरले युद्धसामग्रीस ठराव लागू नाहींत.

७. या आक्टांत मागें सांगितलेले प्रकारचीं कोणतींही हत्यारें परवान्यावांचून, किंवा परवान्यांतील कोणतेही शर्तीविरुद्ध कोणी मनुष्य करील, किंवा नीट करील, किंवा विकील, किंवा ठेवील, किंवा विक्रयास मांडील; अथवा तोटया, किंवा बंदुकीची दारू, किंवा इतर युद्धसामग्री करील, किंवा विकील, किंवा ठेवील, किंवा विक्रयास मांडील त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां त्याणे जा किमतीस हत्यारें, किंवा युद्धसामग्री विकली असेल त्या किमतीचे दुप्पट रक्कमे खेरीज आणखी पांचशें रुपये पर्यंत दंडास तो पात्र होईल. आणि गुन्हेगाराची सर्व हत्यारें, व युद्धसामग्री सरकार दाखल करावी असा ठराव गुन्हा ठरविणारा माजिस्ट्रेट करील तर तीं हत्यारें व युद्धसामग्री सरकार दाखल होईल.

परवान्यावांचून किंवा परवान्यांतील शर्ती विरुद्ध हत्यारें किंवा युद्धसामग्री केली किंवा तिचा व्यापार केला तर शिक्षा होईल.

८. तोटया करण्याचे, किंवा त्यांचा व्यापार करण्याचे परवाने गवरनर जनरल इन् कौन्सिल याणी, किंवा राज्यकारभार चालविणारे सरकाराने द्यावे; अथवा सदर्हू प्रकारचे परवाने देण्याचा अधिकार जा अंमलदारास गवरनर जनरल इन् कौन्सिलाने, किंवा राज्यकारभार चालविणारे सरकाराने मुद्दाम दिला असेल त्या अंमलदारानेही द्यावे. तोटयावांचून इतर हत्यारें, व युद्धसामग्री करण्याचे, किंवा तिचा व्यापार करण्याचे परवाने देण्याचा अधिकार माजिस्ट्रेटास आहे. आणि सदर्हू प्रकारचे परवाने देण्याचा अखत्यार जा अंमलदारास गवरनर जनरल इन् कौन्सिलाने, किंवा राज्यकारभार चालविणारे सरकाराने दिला असेल त्यासही आहे.

परवाने कोणी द्यावे.

परवाना मिळालेले कारखानदार किंवा व्यापारी याणी व्यापरांचे मालाचा हिशेब व खरेददारांचीं नावें वगैरे वहींत दाखल करावीं. वही पाहाणे.

९. हत्यारें, किंवा तोटया, किंवा इतर युद्धसामग्री करण्याचा, किंवा तिचा व्यापार करण्याचा परवाना जा मनुष्यास मिळाला असेल त्याणे एक वही ठेवून तींत व्यापाराचा माल वेळोवेळीं आपले कबजांत, किंवा ताब्यांत येईल त्याचा हिशेब दाखल करावा; आणि आपण विकलेलीं हत्यारें, व युद्धसामग्री जो मनुष्य खरीद करील त्याचें नाव, व पत्ता, आणि सदर्हू प्रकारचे हत्यारांचा, किंवा युद्धसामग्रीचा प्रकार, व वर्णन, व तीं किती होतीं हें त्या वहींत दाखल करावें. सदर्हू प्रकारची वही माजिस्ट्रेटास, किंवा योग्य रितीने अधिकार दिलेले अंमलदारास पाहाण्यासाठीं खुली ठेवावी. आणि तींत लिहिलेले सर्व मजकुराचा नकला घेण्याचा अधिकार सदर्हू अंमलदारास आहे. सदर्हू प्रकारचा कोणी मनुष्य सदर्हू प्रकारची वही योग्य रितीने ठेवणार नाहीं, किंवा ठेवण्यास चुकेल, किंवा या कलमाअन्वयें तींत जो मजकूर दाखल करावयाचा तो तींत दाखल करणार नाहीं, किंवा दाखल करण्यास चुकेल, किंवा सदर्हू प्रकारची वही पाहाण्यास मनाई करील, किंवा अडथळा करील, किंवा तींत खोटा मजकूर दाखल करील तर, त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो खालीं लिहिलेले रकमे खेरीज आणखी पांचशें रुपये पर्यंत दंडास पात्र होईलः म्हणजे जीं हत्यारें, किंवा युद्धसामग्री विकली असेल, आणि ती विषयीं मजकूर सदर्हू वहींत त्याणे दाखल केला नसेल, किंवा खोटा दाखल केला असेल त्या हत्यारांचे, किंवा युद्धसामग्रीचे किमतीचे दुप्पट रकमे खेरीज आणखी पांचशें रुपये पर्यंत दंडास पात्र होईल; आणि त्या गुन्हेगारास हत्यारें, किंवा युद्धसामग्री करण्याचा, किंवा तिचा व्यापार करण्याचा परवाना मिळाला असेल तो रद्द करावा असा ठराव गुन्हा ठरविणारा माजिस्ट्रेट करील तर तो त्याचा परवानाही रद्द होईल.

व्यापाऱ्यांचीं ठिकाणे पाहाण्याचा अधिकार माजिस्ट्रेटास किंवा इतर अंमलदारास आहे.

१०. हत्यारें, किंवा युद्धसामग्री करण्याचा, किंवा तिचा व्यापार करण्याचा परवाना मिळालेला मनुष्य जा जागीं हत्यारें, किंवा युद्धसामग्री करीत असेल, किंवा ठेवीत असेल त्या जागीं त्याचा माल पाहाण्यासाठीं कोणतेही वेळीं जाण्यास माजिस्ट्रेट, किंवा सरकाराने अधिकार दिलेला इतर अंमलदार मुखत्यार आहे. आणि सदर्हू प्रकारचा कारखानदार, किंवा व्यापारी आपले मालाचा कोणताही भाग सदर्हू प्रकारचे माजिस्ट्रेटा पासून, किंवा इतर अंमलदारा पासून, बुध्या लपवील, किंवा तो जेथे ठेवला असेल तें ठिकाण दाखविण्यास बुध्या नाहीं म्हणेल तर, त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो पांचशें रुपये पर्यंत दंडास पात्र होईल. आणि सदर्हू प्रकारचे मनुष्याचा सर्व माल धरून सरकार दाखल करावा असा ठराव गुन्हा ठरविणारा माजिस्ट्रेट करील तर तो सर्व सरकार दाखल होईल.

हत्यारें व युद्धसामग्री करण्याचा किंवा तिचा व्यापार करण्याचा परवाना रद्द करणे.

११. आठवे कलमांतील ठरावा अन्वयें परवाने द्यावयाचे ते जरूर वाटतील तशे शर्तीनिशीं द्यावे. आणि ते देण्याचा अधिकार असणारा मनुष्य, किंवा मनुष्यें ते परवाने रद्द करण्यास, किंवा तहकूब करण्यास मुखत्यार आहेत.

हत्यारें व युद्धसामग्री व गंधक वगैरे परवान्याबांचून या देशांत आणूं नये.

१२. गवरनर जनरल इन् कौन्सिलाचे, किंवा राज्यकारभार चालविणारे सरकाराचे परवान्या वांचून ईस्ट इंडिया कंपनी सरकारचे कबजांतील, व ताब्यांतील मुलुकाचे कोणतेही भागांत हत्यारें, किंवा युद्धसामग्री, आणि गंधक किंवा सुर्याखार जलमार्गाने, किंवा खुष्कीने आणूं नये.

परवान्या वांचून देशांत आणली तर शिक्षा होईल.

१३. कोणी मनुष्य सदर्हू प्रकारचे परवान्यावांचून कोणतींही हत्यारें, किंवा युद्धसामग्री, किंवा गंधक, किंवा सुर्याखार जलमार्गाने, किंवा खुष्कीने सदर्हू मुलुकाचे कोणतेही भागांत आणील, किंवा आणण्यास यत्न करील; अथवा सदर्हू प्रमाणे आणण्यास किंवा आणण्याचे यत्नास मदत करील, किंवा साह्य करील; अथवा सदर्हू प्रकारचे परवान्यावांचून आणलेलीं हत्यारें, किंवा युद्धसामग्री, किंवा गंधक, किंवा सुर्याखार जाणून बुजून लपवील, किंवा लपविण्यास मदत करील तर, त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरी वांचून कैदेचे शिक्षेस पात्र होईल, आणि एक हजार रुपये पर्यंत दंडास ही पात्र होईल, आणि सदर्हू प्रमाणे आणलेल्या जिनसा सरकार दाखल कराव्या असा ठराव गुन्हा ठरविणारा माजिस्ट्रेट करील तर, त्या सरकार दाखल होतील.

१४. खानगी उपयोगा करितां हत्यारें, व युद्धसामग्री वाजवी रितीने जितकी लागावयाची तितकी या देशांत आणली असतां तिला सदरील शेवटले दोन कलमांतील ठराव लागू आहेत असें समजूं नये. परंतु जकातीचे कलेक्टारास जरूर वाटेल तर, सरकारचा हुकूम त्यास पोंचे तों पर्यंत सदर्हू प्रकारचा कोणत्याही जिनसा कोणतेही वेळीं अटकावून ठेवण्याचा अधिकार त्यास आहे. या आक्टाअन्वयें हत्यारां विषयीं सुचना देणे अवश्य आहे ती देणे जरूर नाहीं असें या कलमांतील कोणतेही ठरावा वरून होतें असें समजूं नये.

खानगी उपयोगाकरितां हत्यारें व युद्धसामग्री या देशांत आणणे.

१५. खालीं लिहिल्या प्रमाणे हुकूम करण्याचा अधिकार गवरनर जनरल इन् कौन्सिल यांस आहे : म्हणजे हत्यारें, किंवा युद्धसामग्री, किंवा लश्करी सामान किंवा गंधक, किंवा सुर्याखार, अथवा अमुक प्रकारचीं हत्यारें, किंवा युद्धसामग्री किंवा लश्करी सामान हिंदुस्थानाचे एके भागांतून दुसरे भागास पाठवूं नये ; अथवा हुकुमांत लिहिलेले अमुक दिशेकडे पाठवूं नये ; अथवा हुकुमांत नियम व शर्ती लिहिल्या असतील त्याखेरीज इतर रितीने पाठवूं नये अशी मनाई करण्याचा अधिकार गवरनर जनरल इन् कौन्सिलास आहे. आणि कोणतेही प्रेसिडेन्सीचे, किंवा जागेचे राज्यकारभार चालविणारे सरकारासही आपले ताब्यांतील मुलुकांत सदर्हू प्रमाणे अधिकार आहे.

हत्यारें व युद्धसामग्री व लश्करी सामान वगैरे पाठविण्याची मनाई करण्याचा अधिकार सरकारास आहे.

१६. कोणी मनुष्य सदर्हू प्रकारचे हुकुमाविरुद्ध, किंवा त्यांत लिहिलेले नियमाविरुद्ध, व शर्तीविरुद्ध कोणतीही हत्यारें किंवा युद्धसामग्री, किंवा लष्करी सामान, किंवा गंधक, किंवा सुर्याखार पाठवील, किंवा दुसऱ्या पासून पाठवील, किंवा पाठविण्यास यत्न करील, किंवा दुसऱ्याकडून पाठविण्यास यत्न करील, किंवा पाठविण्याचे कामांत मदत करील तर, त्यावर माजिस्ट्रेटासमक्ष गुन्ह्याची शाबिती झाली असतां तो पांचशें रुपये पर्यंत दंडास पात्र होईल ; आणि जा जिनसा पाठविल्या असतील, किंवा पाठविण्याचा यत्न केला असेल त्या जिनसा सरकार दाखल होतील. कोणी मनुष्य सदर्हू प्रकारचीं हत्यारें, किंवा युद्धसामग्री, किंवा लश्करी सामान, किंवा गंधक, किंवा सुर्याखार चोरून, किंवा इतर युक्तीने पाठवील, किंवा दुसऱ्याकडून पाठवील, किंवा पाठविण्यास यत्न करील, किंवा दुसऱ्याकडून पाठविण्यास यत्न करील त्यावर गुन्ह्याची शाबिती झाली असतां त्यास या कलमांत सांगितलेली शिक्षा होईल त्याखेरीज तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्तमजुरी वांचून कैदेचे शिक्षेस पात्र होईल.

मनाई केल्या नंतर पाठविल्यास शिक्षा होईल.

१७. सार्वजनिक स्वस्थतेस भयावह होई अशे कोणतेही कायद्याविरुद्ध कामा करितां उपयोग करण्याचे इराद्याने, किंवा उपयोगी पडण्याचे इराद्याने हत्यारें, किंवा युद्धसामग्री, किंवा लश्करी सामान, किंवा गंधक, किंवा सुर्याखार नेत आहे असा संशय येण्यास वाजवी सबब उत्पन्न होईल अशे तऱ्हेने, किंवा रितीने हत्यारें, वगैरे कोणी मनुष्य नेताना सांपडेल तर, त्या मनुष्यास वारंटा वांचून धरून त्याचा कायद्या अन्वयें इनसाफ होण्यासाठीं कैदेंत अटकावून ठेवण्याचा अधिकार या आक्टाचे ५ वे कलमांत सांगितलेले सरकारी अंमलदारास, किंवा इतर कोणतेही मनुष्यास आहे. माजिस्ट्रेट, किंवा डेपुटी माजिस्ट्रेट, किंवा माजिस्ट्रेटाचा आसिस्टंट, किंवा पोलीस अंमलदार नसणारे कोणी मनुष्याने कोणतेही मनुष्यास धरला तर, त्याणे त्यास बनूं शकेल तितके लौकर पोलीस अंमलदाराचे स्वाधीन करावा. या आक्टाचे ठरावा अन्वयें पोलीस अंमलदाराने धरलेलीं, किंवा त्याचे स्वाधीन केलेली सर्व मनुष्यें माजिस्ट्रेटा समक्ष, अथवा सदर्हू प्रकारचे गुन्ह्या बद्दल शिक्षा करण्याचा अधिकार किंवा इनसाफास सोपण्याचा अधिकार कायद्याअन्वयें जा इतर अंमलदारास असेल त्या समक्ष त्यावीं.

संशय येण्या योग्य रितीने हत्यारें वगैरे नेणारीं मनुष्यें वारंटा वांचून धरावीं.

माजिस्ट्रेट वगैरे वांचून इतरानी धरलीं असल्यास पुढें कसें करावें.

१८. गवरनर जनरल इन् कौन्सिलास, किंवा राज्यकारभार चालविणारे सरकारास जरूर वाटेल तेव्हां गंधक विकण्याचे मनाई विषयीं हुकूम त्याणी करावा. आणि कोणी मनुष्य सदर्हू प्रकारचे हुकुमा विरुद्ध गंधक विकील त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो पांचशें रुपये पर्यंत दंडास पात्र होईल ; आणि त्या मनुष्याचा गंधक सरकार दाखल करावा असा ठराव गुन्हा ठरविणारा माजिस्ट्रेट करील तर, त्याचा सर्व गंधक सरकार दाखल होईल.

गंधकाचे विकरीची मनाई करण्याचा अधिकार सरकारास आहे.

शिक्षा.

सरकाराने गंधक जप्त करून अटकावून ठेवावा.

१९. कोणी मनुष्याचे कबजांत गंधक असेल तो कोणतेही वेळीं जप्त करून सार्वजनिक स्वस्थते साठीं आपणास जरूर वाटेल तितके मुदत पर्यंत अटकावून ठेवण्याचा अधिकार गवरनर जनरल इन् कौन्सिलास, किंवा राज्यकारभार चालविणारे सरकारास आहे.

अपवाद.

२०. औषधासाठीं जितका गधक वाजवी रितीने अवश्य असेल तितका ठेवला असतां, किंवा विकला असतां त्यास सदरील दोहों कलमांतील ठराव लागू आहेत असें समजूं नये.

१८ वे व १९ वे कलमांतील ठराव अमके मनुष्यास लागू नाहींत असें ठरविण्याचा अधिकार सरकारास आहे.

२१. आपणास शर्ती जरूर वाटल्यास त्या शर्ती अन्वयें १८ वे, व १९ वे कलमांतील ठराव अमुक मनुष्यास लागू नाहींत असें ठरविण्याचा अधिकार सरकारास आहे.

कांहीं प्रसंगीं युद्धसामग्री वगैरे कबजात असण्याची सुचना देण्यास बुध्या हयगय केली तर शिक्षा होईल.

२२. खानगी उपयोगासाठीं जितकी युध्दसामग्री, किंवा इतर लश्करी सामान, किंवा गंधक वाजवी रितीने अवश्य वाटत असेल तीहून अधिक युध्दसामग्री किंवा इतर लश्करी सामान, किंवा गंधक कोणी मनुष्याचे कबजांत असेल त्याणे त्याविषयीं सुचना माजिस्ट्रेटास, किंवा सरकाराने ठरविलेले इतर अंमलदारास द्यावी, असा हुकूम करण्यास सरकार मुखत्यार आहे. आणि कोणी मनुष्य सदर्हू प्रकारची सुचना देण्यास बुध्या हयगय करील तर, त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरी वांचून कैदेचे शिक्षेस पात्र होईल, आणि पांच हजार रुपये पर्यंत दंडासही पात्र होईल. आणि सदर्हू प्रकारचे मनुष्याचे कबजांत, किंवा त्याचे जागेंत युध्दसामग्री, किंवा लश्करी सामान, किंवा गंधक असेल तो सरकार दाखल होईल.

घरांत शिरून झाडा घेण्याचा अधिकार.

२३. सरकार दाखल करण्यास पात्र असणारीं हत्यारें, किंवा युध्दसामग्री, किंवा गंधक अमुक घरांत, किंवा इमारतींत, किंवा इतर जागेंत आहेत; अथवा अमुक हत्यारें, किंवा युध्दसामग्री, किंवा गंधक अमुक घरांत, किंवा इमारतींत, किंवा इतर जागेंत अमुक मनुष्याचे कबजांत आहेत; आणि तीं त्याचे कबजांत ठेवलीं असतां सार्वजनिक स्वस्थतेस धोका पोंचेल असा संशय कोणतेही माजिस्ट्रेटास येण्यास वाजवी सबब असेल तर, सदर्हू प्रकारचे घरांत आपणास जरूर वाटेल तितकी मदत घेऊन रात्रीस, किंवा दिवसास, आणि जरूर असल्यास जबरीने शिरून झाडा घेण्याचा, किंवा घेवविण्याचा अधिकार त्यास आहे. या कलमावरून आपणास मिळालेले अधिकार आपले युरोपियन असिस्टंटां पैकीं कोणतेही असिस्टंटास देण्यास माजिस्ट्रेट मुखत्यार आहे.

हत्यारांसाठीं किंवा युद्धसामग्री साठीं वगैरे कोणतेही प्रांताचा झाडा घेण्यास हुकूम करण्याचा अधिकार.

२४. अमुक अंमलदारानी, किंवा मनुष्यांनी अमुक प्रांतांत, किंवा जागेंत हत्यारांविषयीं, किंवा युद्धसामग्री विषयीं किंवा गंधकाविषयीं, झाडा घ्यावा असा हुकूम करण्याचा अधिकार इंडियाचे गवरनर जनरल इन् कौन्सिलास, किंवा कोणतेही प्रेसिडेन्सीचे किंवा जागेचे राज्यकारभार चालविणारे सरकारास, किंवा पंजाबचे किंवा अयोध्येचे चीफ कमिशनरास, किंवा नागपूरचे किंवा सिंधचे कमिशनरास आहे. सदर्हू प्रकारचे हुकुमावरून अखत्यार दिलेले मनुष्यांस, आणि त्यांचे हुकुमा अन्वयें चालणारे सर्व मनुष्यांस खालीं लिहिल्या प्रमाणे अधिकार आहेत म्हणजे, घरांत शिरण्याविषयीं, व झाडा घेण्याविषयीं, व जप्ती करण्याविषयीं सदरील शेवटले कलमांत जे अधिकार सांगितले आहेत ते अधिकार आहेत.

झाडा घेतील तेव्हां हत्यारें, युद्धसामग्री वगैरे हजर न केली किंवा लपविली असतां शिक्षा होईल.

२५. झाडा घेतअसतां कोणतेंही हत्यार, किंवा युद्धसामग्री, किंवा गंधक झाडा घेणारे मनुष्याजवळ हजर करण्यास, किंवा दाखवून देण्यास कोणी मनुष्य नाहीं म्हणेल, किंवा लपवील, किंवा लपविण्यास यत्न करील तर, त्या मनुष्यास वारंटावांचून धरावें. आणि त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां, या आक्टाअन्वयें जा इतर शिक्षेस तो पात्र असेल त्या शिक्षेखेरीज आणखी तो पराकाष्ठा दोन वर्षे पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरीवांचून कैदेचे शिक्षेस पात्र होईल.

जा प्रांतास हें कलम लागू केलें असेल त्या

२६. या कलमांतील ठराव कोणतेही प्रांतास, किंवा जागेस सरकारचे हुकुमावरून लागू होतीला त्या हुकुमांत लिहिलेले वेळे नंतर, किंवा वेळ लिहिली नसल्यास प्रांतांत किंवा जागेंत सदर्हू प्रकारचा

हुकूम प्रसिद्ध झाल्यापासून एक आठवडया नंतर कोणी मनुष्याने इंडियाचे गवरनर जनरल इन् कौन्सिल यां पासून, किंवा कोणतेही प्रेसिडेन्सीचे किंवा जागेचे राज्यकारभार चालविणारे सरकारापासून परवाना घेतल्यावांचून तोफ, किंवा हाविटझर, किंवा गरनाळ करूं नये, किंवा तिचा उपयोग करूं नये, किंवा ती आपले कबजांत ठेवूं नये. सदर्हू प्रकारचे परवान्यावांचून कोणी मनुष्य कोणतीही तोफ, किंवा हाविटझर, किंवा गरनाळ करील, किंवा तिचा उपयोग करील, किंवा ती आपले कबजांत ठेवील तर त्यावर माजिस्ट्रेटा समक्ष गुन्ह्याची शाबिती झाली असतां तो दोन हजार रुपये पर्यंत दंडास पात्र होईल, आणि पराकाष्ठा दोन वर्षेपर्यंत कैदेचे शिक्षेस पात्र होईल; आणि सदर्हू प्रकारची तोफ, किंवा हाविटझर, किंवा गरनाळ धरून सरकार दाखल करतील. कोणतेही प्रांतांत, किंवा जागेंत हें कलम चालू होईल त्यावेळीं कोणी मनुष्याचे कबजांत कोणतीही तोफ, किंवा हाविटझर, किंवा गरनाळ असेल आणि ती आपले कबजांत ठेवण्याविषयीं परवाना मागण्याची त्या मनुष्याची मर्जी नसेल तर, सदर्हू मुदतींत त्याने ती माजिस्ट्रेटाचे स्वाधीन करावी. कोणतेही तारवावरचे, किंवा गलबतावरचे नेहेमीचे हत्यारांपैकीं कोणतीही तोफ, किंवा हाविटझर, किंवा गरनाळ असेल तीस या कलमांतील ठराव लागू आहेत असें समजूं नये.

प्रांतांत परवान्या वांचून तोफ वगैरे केली किंवा तिचा उपयोग केला किंवा ठेवली तर शिक्षा होईल.

तोफ वगैरे कबजांत ठेवण्याविषयीं परवाना घेण्याची कोणी मनुष्याची इच्छा नसेल त्याने तोफ वगैरे अधिकाऱ्याचे स्वाधीन करावी.

अपवाद.

२७. कोणी मनुष्य या आक्टाअन्वयें आपणास मिळालेले अधिकार चालवीत असतां त्याशीं कोणी दांडगाई करील, किंवा त्यास कोणी हरकत करील, अथवा त्याशीं दांडगाई करणारे, किंवा त्यास हरकत करणारे मनुष्यास मदत, किंवा साह्य करील तर, त्यावर माजिस्ट्रेटासमक्ष गुन्ह्याची शाबिती झाली असतां तो दोनशें रुपये पर्यंत दंडास, किंवा पराकाष्ठा साहा क्यालेंडर महिने पर्यंत सक्त मजुरीनिशीं, किंवा सक्त मजुरी वांचून कैदेचे शिक्षेस पात्र होईल.

कोणी मनुष्य या आक्टाअन्वयें आपणास मिळालेले अधिकार चालवित असतां त्याशीं दांडगाई केली किंवा त्यास हरकत केली तर शिक्षा होईल.

२८. कोणी मनुष्याने या आक्टाअन्वयें कोणतीही गोष्ट केल्याबद्दल त्यावर फिर्याद करणे ती, किंवा काम चालविणे तें खालीं लिहिल्या प्रमाणे केल्यावांचून करूं नये किंवा चालवूं नये: म्हणजे, फिर्याद करण्याचा इरादा असेल त्याविषयीं, व फिर्यादीचे कारणाविषयीं एक महिना पूर्वी सदर्हू प्रकारचे मनुष्यास लेखी सुचना दिल्यावांचून फिर्याद करूं नये, किंवा काम चालवूं नये; अथवा पूर्ता मोबदला देण्यास काढला असेल, अथवा फिर्यादीचें कारण उत्पन्न झाल्यापासून तीन महिने झाले असतील तर, सदर्हू प्रकारची फिर्याद, किंवा काम चालणार नाहीं.

सुचना व फिर्यादीची मुदत.

२९. या आक्टाचे आधारावरून माजिस्ट्रेटाने दंड, किंवा गुन्हेगारी ठरविली असेल ती तात्काळ न दिली तर, माजिस्ट्रेटाने गुन्हेगारास तुरुंगांत पाठवावा; आणि दंड किंवा गुन्हेगारी पांचशें रुपयांवर नसल्यास पराकाष्ठा साहा महिने पर्यंत माजिस्ट्रेटाचे नजरेस येईल त्याप्रमाणे त्यास कैदेंत ठेवावा; आणि या खेरीज इतर प्रसंगीं पराकाष्ठा बारा महिने पर्यंत ठेवावा. परंतु ऐवज दिला असतां सदर्हू कोणते ही प्रसंगीं, कैदेंतून त्यास तात्काळ मोकळा करावा.

दंड न दिला तर कैद करावा.

३०. या आक्टा विरुद्ध केलेले गुन्ह्याची शाबिती जा मनुष्यावर होईल त्याजवळून दंड, किंवा गुन्हेगारी वसूल होईल ती, अथवा त्या दंडाचा किंवा गुन्हेगारीचा कांहीं भाग, जा मनुष्याचे बातमी वरून गुन्ह्याची शाबिती झाली असेल, त्यास देण्याचा अधिकार आहे.

बातमी देणारास इनाम.

३१. "माजिस्ट्रेट" या शब्दांत माजिस्ट्रेटाचे संपूर्ण अधिकार चालविणारे मनुष्याचा समावेश होतो असें समजावें; आणि गुन्ह्याचे शाबितीचा ठराव करण्याचा अधिकार, व गुन्ह्याची शाबिती झाल्यावर मालमिळकत सरकार दाखल करण्याचा ठराव करण्याचा अधिकार या आक्टावरून माजिस्ट्रेटास दिला आहे तो सर्व अधिकार प्रेसिडेन्सीचे मुख्य शहरांत, व स्ट्रेट्स सेटलमेंटांत पोलीस माजिस्ट्रेटाने चालवावा. आणि या आक्टा अन्वयें माजिस्ट्रेटास इतर अधिकार दिले आहेत ते सर्व चालविण्याचा अधिकार पोलीस कमिशनरास आहे. आणि जा सुचना या आक्टा अन्वयें माजिस्ट्रेटास दिल्या पाहिजेत त्या सुचना प्रेसिडेन्सीचे सदर्हू प्रकारचे कोणतेही मुख्य शहरांत, किंवा स्ट्रेट्स सेटलमेंटांत पोलीस कमिशनरांस द्याव्या.

"माजिस्ट्रेट" या शब्दाचा अर्थ.

गुन्ह्याचे शाबितीचा ठराव व मालमिळकत सरकार दाखल करण्याचा ठराव करण्याचे अधिकारा शिवाय या आक्टा आन्वयें दिलेले इतर अधिकार प्रेसिडेन्सीचे मुख्य शहरांत वगैरे चालविण्यास पोलीस कमिशनर मुख्त्यार आहे.

या आक्टावरून माजिस्ट्रेटास अधिकार दिले आहेत ते गुन्ह्याचे शाबितीचा ठराव करण्याचे अधिकारा खेरीज व शाबिती झाल्यावर मालमिळकत जप्त करण्याविषयीं ठराव करण्याचे अधिकारा खेरीज पोलीसचे बंदोबस्ताचें काम जा मनुष्याकडे असेल त्यास द्यावे.

३२. कोणतेही प्रेसिडेन्सींत, किंवा जागेंत पोलीसचा अधिकार, व बंदोबस्त करण्याचें काम माजिस्ट्रेटा खेरीज, किंवा सदर्हू प्रकारचे पोलीस कमिशनरा खेरीज इतर मनुष्यास दिलें असेल तेव्हां माजिस्ट्रेटास या आक्टा अन्वयें दिलेले अधिकारां पैकीं गुन्ह्याची शाबिती करण्याचा ठराव करण्याचा अधिकार, व शाबिती झाल्यावर मालमिळकत जप्त करण्याविषयीं ठराव करण्याचा अधिकार खेरीज करून बाकीचे अधिकार, किंवा त्यां पैकीं कितीएक अधिकार सदर्हू प्रकारचे मनुष्याने चालवावे. आणि या आक्टा अन्वयें जा सुचना माजिस्ट्रेटास दिल्या पाहिजेत त्या, सदर्हू प्रकारचे मनुष्यांस द्याव्या, असा हुकूम करण्यास राज्यकारभार चालविणारें सरकार मुखत्यार आहे.

जा प्रांतास हा आक्ट किंवा याचा कोणताही भाग सरकार लागू करील त्या प्रांतांत तो चालू होईल.

३३. जां प्रांतास किंवा जागेस हा आक्ट इंडियाचे गवरनर जनरल इन् कौन्सिल यांचे, अथवा कोणतेही प्रेसिडेन्सीचे किंवा जागेचे राज्यकारभार चालविणारे सरकारचे हुकुमावरून लागू करतील त्या प्रांतांत, किंवा जागेंत हा आक्ट, किंवा याचा कोणताही भाग चालू होईल.

प्रांताचे भागास हा आक्ट पुढें लागू राहणार नाहीं आणि पुनः लागू आहे असें ठरविण्याचा अधिकार आहे.

३४. कोणतेही प्रांतास किंवा जागेस हा आक्ट लागू केला असेल त्या प्रांताचे किंवा जागेचे कोणतेही भागास या आक्टांतील सर्व ठराव किंवा कोणताही ठराव लागू नाहीं अर्से वेळोवेळीं ठरा विण्याचा अधिकार गवरनर जनरल इन् कौन्सिलास अथवा कोणतेही प्रेसिडेन्सीचे किंवा जागेचे राज्यकारभार चालविणारे सरकारास आहे. आणि कारणपरत्वें त्या भागास या आक्टांतील सर्व ठराव किंवा कोणताही ठराव पुनः लागू करण्याचाही अधिकार त्यास आहे.

आक्टाची मुद्दत.

३५. हा आक्ट दोन वर्षे पर्यंत अमलांत राहील.

हा आक्ट ठरण्या पूर्वी सरकारी अंमलदाराने हत्यारें युद्धसामग्री वगैरे धरली असेल किंवा अटकावून ठेवली असेल तर तिचें जोखीम त्यांचे शिरावर नाहीं.

३६. हा आक्ट ठरण्या पूर्वी सरकारचे कोणतेही अंमलदाराने सरकारचे हुकुमा अन्वयें कोणतीं ही हत्यारें किंवा युद्धसामग्री किंवा लश्करी सामान किंवा गंधक किंवा सुर्याखार धरला असेल किंवा अटकावून ठेवला असेल किंवा या देशांत आणण्याची मनाई केली असेल त्याचें जोखीम त्याचे शिरावर नाहीं असें या कलमावरून समजावें. आणि सदर्हू प्रमाणे धरण्या बद्दल किंवा अटकावून ठेवण्या बद्दल त्यावर फिर्याद किंवा इतर काम सुरू होणार नाहीं किंवा चालणार नाहीं.

(True copy)

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