THE

Bombay Government Gazette.

Vol. 27.] Published by Authority. [No. 15.

Three Rs. per Quarter.] THURSDAY, 9TH APRIL 1857. [Eight annas per copy.

NOTIFICATION.

Bombay Castle, 4th August 1831. GENERAL DEPARTMENT.

*The Right Hon'ble the Governor in Council having sanctioned the publication of a weekly paper, to be styled the "*BOMBAY GOVERNMENT GAZETTE,*" notice is hereby given, that after this day all advertisements and other public papers of the Government will be printed in the* BOMBAY GOVERNMENT GAZETTE *only: and all orders or other public notices appearing in that paper, under the signature of the Secretaries, or other public officers of the Government, are hereby ordered and directed to be conformed to and obeyed accordingly.*

Bombay Castle, 18th January 1832.

When official notifications from the Government are inserted in the BOMBAY GOVERNMENT GAZETTE, *no communication on the same subject will be made in writing to any department concerned; but all public officers are required to take notice of such official notifications in the same manner as if they had been directly communicated to them by letter from the Secretary's office, and as heads of offices alone will be furnished by Government with the* BOMBAY GOVERNMENT GAZETTE, *they will be expected to communicate to their subordinate officers all orders which may in any manner concern them.*

The Bombay Government Gazettes furnished by Government to public offices are to be lodged with the records, and are not to be removed from the office.

Published by order of the Right Hon'ble the Governor in Council,
JOHN BAX, *Secy. to Govt.*

NOTICE.

The Government Printing and Lithographing Departments having been transferred to the BOMBAY EDUCATION SOCIETY, *all Printing and Lithographing required by any Department should be sent to the Office at Byculla.*

Bombay, 5th April 1848. J. G. LUMSDEN, *Secy. to Govt.*

Legislative Council.

21st March 1857.

The following Bill was read a second time in the Legislative Council on the 21st March 1857, and was referred to a Select Committee, who are to report thereon after the 25th of May next:—

A Bill for the Levy of Port-dues and Fees in the Port of Calcutta.

Preamble.

Whereas it is necessary to fix the amount of the Port-dues and fees to be hereafter levied and taken in the Port of Calcutta in accordance with the provisions of Act XXII. of 1855; it is enacted as follows:—

Port-due chargeable on sea-going vessels of 20 tons and upwards entering the Port.

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

No Port-due in respect of vessels compelled by stress of weather to re-enter the Port.

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

Port-due in respect of Dhonies and country vessels.

III. The Port-due chargeable in respect of Dhonies and country vessels employed in the coasting trade shall be at a rate equal to one-half the rate chargeable in respect of other vessels; and such due shall not be chargeable oftener than once in sixty days in respect of the same vessel.

Vessels entering the Port in ballast.

IV. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would otherwise be chargeable.

Tug Steamers and River Steamers.

V. Tug Steamers and River Steamers belonging to the said Port shall be liable to the Port-due specified in Section I. of this Act; and the said due shall be chargeable in respect of every such Steamer once between the 1st day of January and the 30th day of June, and once between the 1st day of July and the 31st day of December in each year. The provisions of Section XLVI. Act XXII. of 1855 shall not be applicable to such Steamers.

Fees for certain services.

VI. Within the said Port, and at Diamond Harbour, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely—

Hauling to or from chain moorings, each operation	Rs. 16
Hauling to or from swinging moorings, each operation	Rs. 10
Re-mooring	Rs. 16
Hauling in or out of dock, each operation ..	Rs. 30
Removing from one part of the Port to another	Rs. 25
Removing from one mooring to another at the request of the agent or master	Rs. 50
Hooking	Rs. 16
Measuring	Rs. 30

Commencement of Act.

VII. This Act shall commence and have effect from and after and from and after that date no

Port-due or fee shall be levied at the said Port, except under the authority of Act XXII. of 1855 and of this Act.

W. MORGAN,
Clerk of the Council.

Legislative Council.

7th March 1857.

The following Bill was read a second time in the Legislative Council on the 28th February 1857, and was referred to a Select Committee, who are to report thereon after the 11th of June next :—

A Bill to amend Act IX. of 1850.

Preamble.

Whereas it is expedient that the rate of diet money required to be deposited for the subsistence of a person imprisoned under a judgment of a Court of Small Causes should be varied on due cause being shown; It is enacted as follows :—

Power to make and alter orders as to amount of diet money to be deposited for persons imprisoned under Small Cause Court judgments.

I. It shall be lawful for a Judge of a Court of Small Causes, holden under Act IX. of 1850, on due cause being shown, to order that the diet money to be deposited for the subsistence of a prisoner taken in execution under a warrant of the Court shall be deposited after a rate of not less than one anna nor more than four annas for each day. Every such order may from time to time be revised and altered on due cause being shown.

Construction.

II. This Act shall be read with, and taken as a part of, Act IX. of 1850.

W. MORGAN,
Clerk of the Council.

Notice.

To be sold by PUBLIC AUCTION, at the Gun-Carriage Manufactory and Government Cooperage, on Saturday the 11th proximo, at 11 o'clock in the forenoon, REFUSE TIMBER, PLANK, TURNING BRASS, OLD IRON, and SUNDRY STORES, unserviceable for Gun-Carriage and Cooperage purposes. A list of the same may be seen at the Agent's Office.

A deposit of 20 per cent. to be paid on every Lot being knocked down. Lots consisting of small Stores to be paid for and cleared away immediately after the sale, and the other Lots to be paid for and removed within eight days; and all Lots not cleared away as specified will be resold at the risk and expenses of the first purchaser.

J. GRANT, Lieut. Colonel,
Agent for Gun-Carriages.

Colaba, 28th March 1857.

Insolvent Debtors' Court.

Notice is hereby given, that the Petitions of the several Persons hereunder named and described have been presented to the Court for the Relief of Insolvent Debtors, Bombay, praying, respectively, for the benefit of the Act made and passed in the Eleventh Year of Victoria, Chapter XXI. :—

Names.	Profession.	Denomination.	Place of Residence in Bombay.	Dates of Petitions filed.		
				Day.	Month.	Year.
Dawood Dada	A Bookseller	Mahomedan..	Without the Fort, in Beebee Jhan's Street.	24th	March	1857
Muccoond Hurjee ..	None	Hindoo.....	Lately without the Fort, at Churneywady, in Trinity Chapel Street (at present in the Bombay Gaol).	26th	,,	,,
Kessow Wassoodewjee	A Clerk in the Sudder Adawlut.	Ditto	Without the Fort, in Wittulwady.	27th	,,	,,
Balkissondass Bhugwandass.	A Guzerathee Writer.....	Ditto	Without the Fort, in the Maharaj's Oart, near Bhooleshwur.	28th	,,	,,
Estote Koyah	A General Dealer	Mahomedan..	Without the Fort, at Wuddachy Gaddy.	,,	,,	,,
Nabab Syed Nusseeroodin Cumroodin.	A Government Pensioner..	Ditto ..	Without the Fort, in Bhendy Bazar.	1st	April	,,
James Windsor and John Braz Windsor.	The former is employed in the Adelphi Hotel, and the latter in the Bombay Customs Flotilla.	Indo-Briton ..	Without the Fort, the former at Byculla, and the latter in Agiary Lane.	4th	,,	,,
Gunputrao Gopinathjee.	An Inspector in the Office of the Superintendent of Repairs.	Hindoo.....	Without the Fort, at Mahim.	6th	,,	,,
Ramchundra Bhewjee.	A Clerk in the Crown Office.	Ditto	Lately without the Fort, in Girgaum, near Chowpatty (at present in the Bombay Gaol).	,,	,,	,,
Muddonjee Jadowjee.	Formerly a Clerk in the employ of the late Soonderjee Veerjee.	Ditto	Lately within the Fort, in Bazar Gate Street, (at present in the Bombay Gaol).	,,	,,	,,

Orders in the matters of the abovenamed Insolvents' Petitions, that the real and personal Estates and Effects of the said Insolvents be vested in the Official Assignee of this Honorable Court, under Clause VII. of the said Act, have been duly made.

Days appointed for Hearing the Petitions of the undermentioned Insolvents.

Names.	Time.		
	Day.	Month.	Hour.
Myccoond Hurjee	3rd Monday	April instant	11 o'clock.
Ramchundra Bhewjee	Ditto	Ditto	Ditto.
Muddonjee Jadowjee	Ditto	Ditto	Ditto.
Kessow Wassoodewjee	1st Monday	May next	Ditto.
Nabab Syed Nusseeroodin Cumroodin	Ditto	Ditto	Ditto.
Dinker Wamonrao	Ditto	Ditto	Ditto.
Gunputrao Gopinathjee	Ditto	Ditto	Ditto.
Estote Koyah	Ditto	Ditto	Ditto.
Narron Tookaram, Gainoo Tookaram, and Suckoobaee	Ditto	Ditto	Ditto.
Sumsoodin bin Bundoo Meeya Murkay	Ditto	Ditto	Ditto.

Opposing Creditors must file their Claims, verified by Affidavit, and pay the usual Fees, at my Office, at least three days before the Hearing. The abovenamed Insolvents have filed Schedules of their Debts, Estates, and Effects in my Office.

Dividends payable in the undermentioned Insolvents' Estates.

Henry Parker Lawrence ..... 3rd Monday in April instant, of 8 per cent.
Madhowdass Raghoonathdass.. Ditto ditto, of 3½ per cent.

J. A. McKENZIE, Clerk of the Court,
By W. BROOKFIELD.

Clerk of the Court's Office, Fort, Bombay, this 7th day of April 1857.

નાદાર દેવાદારોની કોરટમધે.

જાહેર ખબર એ ઉપરથી આપવામાં આવે છે જે, વિગત સાથે હેની હેઠળ જે જુદી જુદી આશામીઓનાં નામો લખેલાં છે, તેઓએ મુંબઈની નાદાર દેણદારોનાં છુટકા કરનારી કોરટને અરજીઓ આપી છે, તેમાં એક એકની અરજ હેવી છે જે વિકટોરીયાના અગિઆરમે વરશે જે ધારો કરીને ફરાવ્યો છે, તેના એકવિરામાં બાબમાંનો ઈલાજ હમોને મળે.

નામ.	ધંધો.	જાત.	મુંબઈમધે રેહેવાનું ઠેકાણું.	અરજીઓ દાખલ કરાની તારીખ.		
				દહાડા.	માસ.	વરશ.
દાઉદ દાદા	બ્રુકવેચનાર	મહમદીઅન.	કોટબાહાર ખીખીજનના મોલામો.	૨૪ મો	માર્ચ.	૧૮૫૭.
મકુંદ હરજી	કાંઈનહીં	હીંદુ.	આગળ કોટબહાર ત્રીનીટી ચપેલ ઈશાટરીટમાં ચની વાડીમો ને હાલ મુંબઈની તુરંગમો.	૨૬ મો	એજ.	એજ.
કેરાવ વાસુદેવજી	સદર અદાલતમો લખનાર	હીંદુ.	કોટબાહાર વીઠલવાડીમાં	૨૭ મો	એજ.	એજ.
બાળકીશનદાસ ભગવાનદાસ.	ગુજરાતી લખનાર	હીંદુ.	કોટબાહારભુલેશવરઆગળ મહારાજની વાડીમાં.	૨૮ મો	એજ.	એજ.
ઈશાટોટ કોઆ	રાધળી વસ્તુનો વેપારી	મહમદીઅન.	બાહારકોટ વડની ગાદી આગળ.	એજ.	એજ.	એજ.
નબાબ સાએદ નરાઉદીન કમરૂદીન.	ગવરમેંટ પેનશનર	મહમદીઅન.	કોટબાહાર ભીંડીબજારમો.	૧ લો	અપ્રેલ.	એજ.
જેમશ ઉઈન્ડરાર તથા જાન બરાઝ ઉઈન્ડરાર.	પેહેલાને ઈંડોબ્રીટન આડલફી હોટેલમો ચાકરી છે ને બીજાને મુંબઈની કરાટમની ફાલોટીલામો.	ઈંડોબ્રિટન.	કોટબાહાર પેલો ભાઈબ્લા ઉપર અને બીજો આગીઆરી લેનમો.	૪ થો	એજ.	એજ.
ગણુપતરાવ ગોપીનાથજી	સુપરેનટેંડેટ આફ રીપેરની હાપીસમો ઈનશપેકટર.	હીંદુ.	કોટબાહાર મેહેમમાં	૬ ઠો	એજ.	એજ.
રામચંદર ભીવજી	કરાઉડની હાપીસમો લખનાર	હીંદુ.	આગળ કોટબાહાર ગીરગામમો ચોપાટી પારો ને હાલ મુંબઈની તુરંગમો.	એજ.	એજ.	એજ.
મદનજી જાદવજી	આગળ મરનાર સુંદરજી વીરજીની ચાકરીમો લખનાર	હીંદુ.	આગળ કોટમાં બજાર ગેટ સ્ટ્રીટમો ને હાલ મુંબાઇની તુરંગમો.	એજ.	એજ.	એજ.

ઉપર લખેલા નાદાર દેવાદારોની અરજીઓની બાબતોમાં ઘટતી રીતે હુકમ થયો છે, જે ઉપર લખેલા ધારાની સાતમી

કલમ પ્રમાણે નાદાર દેવાદાર મજકુરોની સ્થાવર તથા જંગમ મિલકત તથા ચીજવસ્ત આ નામદાર કોર્ટનાં આર્ફિસિઆલ આસાઈનીના તાબામાં આપે.

નીચે લખેલા નાદાર દેવાદારોની અરજીઓ સાંભળવાસારૂ ઠરાવેલા દીવસ.

નામ.	વખત.		
	દાહાડા.	માસ.	કલાક.
મકુંદ હરજી	૩ જો સોમવાર.	ચાલતો અપરેલ.	૧૧.
રામચંદર ભીવજી	એજ.	એજ.	એજ.
મદનજી જાદવજી	એજ.	એજ.	એજ.
કેશવ વાસુદેવજી	૧૦ મો સોમવાર.	આવતો મે.	એજ.
નબાબ શાહબેદ નરારદીન કમરૂદીન	એજ.	એજ.	એજ.
દીનકર વામનરાવ	એજ.	એજ.	એજ.
ગણપતરાવ ગોપીનાથજી	એજ.	એજ.	એજ.
ધરીટ કોમા	એજ.	એજ.	એજ.
નારાએણ ટુકારામ તથા ગેનુ ટુકારામ તથા સકુબાઈ	એજ.	એજ.	એજ.
રામશુદીન ખીન બનડુમીઆ મરકે	એજ.	એજ.	એજ.

આડા આવનાર લેણદારોએ, થોડામાં થોડા સાંભળવાના તણ દાહાડા અગાઉ, સોગણનાંમાથી સાબીત કરેલા પોતાના દાવા હમારી આપીસમાં દાખલ કરવા જોઇએ, તથા સિરસ્તા પ્રમાણે તેઓને પી આપવી જોઇએ. ઉપર લખેલા નાદાર દેવાદારોએ પોતાના દેવાની, તથા માલ મિલકતની, ટીપો હમારી આપીસમાં દાખલ કરાવી છે.

નીચે લખેલા નાદારના એસ્ટેટમાંથી ફુલા આપવાને ઠરાવીઆ છે તેહેની વીગત.

હેનરીપારકર લારેનશા.	૩ જો સોમવાર.	ચાલતો આપરેલ.	રોકડે ટકા ૮.
માધવદાસ રઘનાથદાસ.	એજ.	એજ.	રોકડે ટકા ૩૫.

મુંબઈનાં કોર્ટમધે, કોર્ટના કલાર્કની આપીસમાં,
લખી તારીખ ૭ મી અપરેલ સને ૧૮૫૭.

જે. એ. મેકેનજી,
કોર્ટના કલાર્કની વતી વ. મરકશીલડ.

(A true translation)
NARAYEN DINANATHJEE, Acting Chief Translator.

WEEKLY SUMMARY OF DEATHS ON THE ISLAND OF BOMBAY.

CASTE OR TRIBE.	Still-born.	Cholera.	Small-pox.	Measles.	Fever.	Disease of Nervous System.	Vascular System.	Respiratory System.	Alimentary System.	Urinary System.	Sexual System, and Child-bearing.	Locomotive & Tegumentary Systems.	Cachexy and Debility.	Leprosy, Tubercular and Articular.	Dropsy.	Accident and Violence.	Other and Unknown Cause.	Total—exclusive of Still-born.
Boodhist.—Jain, &c.	..	..	..	..	11	1	..	2	..	..	..	..	1	..	1	..	..	16
Brahmun.	..	2	..	2	8	..	..	1	1	..	..	..	..	..	..	..	..	14
Lingaet and Bhatia	..	..	..	1	7	..	..	..	..	..	..	..	..	..	..	..	..	8
Hindoo of other Caste	6	57	2	69	72	5	1	3	19	..	4	1	15	..	2	..	..	250
Hindoo Out-caste	..	6	1	10	10	1	..	..	2	..	..	..	..	..	..	..	..	30
Moosulman	1	20	4	28	37	2	..	..	7	..	1	..	3	..	1	..	..	103
Parsee	..	1	1	11	3	..	..	3	2	..	..	1	5	..	..	..	..	27
Jew	1	..	..	4	..	..	..	..	..	..	..	..	..	..	..	..	..	4
Native-Christian.	..	4	1	3	1	..	..	2	1	..	..	..	2	..	..	..	..	14
Indo-European	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	1
European.	..	1	..	3	..	..	..	1	5	1	..	..	..	..	..	1	..	12
Negro-African	..	1	2	..	2	..	..	1	2	..	..	..	..	..	..	..	..	8
Other and Unknown Caste	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total.	8	92	11	131	151	9	1	13	40	1	5	2	26	..	4	1	..	487
Mean of the corresponding Weeks in the preceding Nine Years.	..	73	40	2	130	13	..	27	40	1	2	1	12	2	3	3	1	349

Bombay, 8th April 1857.

A. H. LEITH,
In charge of Mortuary Returns.

TENDERS FOR COAL.

Notice is hereby given, that the Mint Master is prepared to receive TENDERS for the SUPPLY of 500 TONS of COAL, or of any smaller quantity, not less than 50 tons, for Mint use.

The Coal is to be the best steam coal, and certificates of its quality and description, with a sample, should be forwarded with the tender.

The rate tendered should include all landing and other charges, and also the expense of weighment and of storage on the Mint premises.

The coal shall, if deemed necessary by the Mint Master, be subject to the inspection and approval or otherwise of a Committee of Government Officers, and be at the risk of the tenderer until actual delivery and receipt at the Mint.

The form of tender below given should be adopted without alteration, and Government reserves to itself the right to reject, without assigning reason, any tender, although it may appear to be the lowest.

(*Form of Tender.*)

To the MINT MASTER, Bombay.

SIR,

With reference to the Notice in the Bombay *Gazette* dated the 9th October 1856, we hereby tender, for the service of Government, Coal of the undermentioned description, and at the price hereunto annexed :—

Description of Coal.	Per what Ship.	No. of Tons.		Price per Ton of 20 cwt. including all charges.			Amount in Words.
				Rs.	a.	p.	

We agree to each and all of the conditions contained in the Notification above referred to.

We are, &c.

Bombay (Date).

J. H. BURKE, Captain,
Mint Master.

Bombay Mint, 9th October 1856.

જાહેરનામું.

કોલસા પુરા પાડવા વિશેના અરજો.

એહેવું જે ટંકશાલનાં કામસારૂ ૫૦૦ ટન અથવા ઓછામાં ઓછા ૫૦ ટન કોલસા પુરા પાડવા વિશેના અરજો મીંટ માસ્તર લેસે.

બાકીના અંત્ર લાગ્યેક સારા અવલ જાતનાં કોલસા જોઇએ અને તે કેહેવા છે તથા કઇ જાતના છે, એ વિશેનો સરટીફીકેટ તથા તેનો નમુનો અરજ સાથે મોકલવો.

અરજમાં ભાવ લખવો તે કોલસા કીનારે ઉતારવાનો તથા જોખીને ટંકશાલમાં ભરી આપવા વગેરે સર્વે ખર્ચ શુધાં લખવો.

મીંટ માસ્તરને જરૂર પડસે તો સરકારી અંમલદારની કામેટી પાસે કોલસાની તપાસ કરાવીને પરશંદ કરીને લેસે અને ટંકશાલમાં કોલસા જોખીને સોપવામાં આવશે તાંહાં શુધીનું જોખમ અરજદારને માથે રેહેસે.

અરજનો નીચે નમુનો લખ્યો છે. તે પ્રમાણે કોઇફેરફાર ન કરતાં અરજ કરવી જોઇએ અને એકાદી અરજીમાં લખેલા દર સર્વેથી કમી હસે તો એપણ તેનું કારણ કહ્યાવગર તે અરજ રદ કરવાને સરકાર મુખ્યત્યાર છે.

અરજનો મુસુદો.

મુંબઇના મીંટમાસ્તર સાહેબ જોગ.

સને ૧૮૫૬ ઇસવીના અક્ટોબર મહીનાની નવમી તારીખના મુંબઇગેઝેટના વર્તમાનપત્રમાં જાહેરખબર છાપી છે તે ઉપરથી નીચે લખેલી જાતના તથા ભાવથી કોલસા સરકારી કામ સારૂ આપવાને અમે રાજી છીએ.

કોલસાની જાત.	કયા વાહાણથી આવશે.	કેટલા ટન.		સર્વે ખરચ સુધાં ૨૦ હુંડરેવેટના ટનનો ભાવ.			અંકે.
				રૂ.	આ.	પૈ.	

સદરહુ જાહેરખબરમાં લખેલી સર્વે સર્તો અમારે કબુલ છે.

અરજ કરનારની સહી.

મુકામ મુંબઇ તા.

મીંટ માસ્તર કપતાન જેમસ હેનરી બર્ક સાહેબ બાહાદુરની સહી.

જાહિરનામા.

કોળસે પુરવિણ્યા વિષયીં અર્જ.

ઐસા જે ટાંકશાળેંતીલ કામાકરિતાં ૫૦૦ ટન કિંવા કમીત કમી ૫૦ ટન કોળસે પુરવિણ્યાવિશીંચે અર્જ મિંટ માસ્તર ઘેતીલ.

વાફેચે યંત્રાલાયક ચાંગલે ઉત્તમ પ્રતીચે કોળસે અસાવેત આણિ તે કસે આહેત વ કોણતે પ્રતીચે આહેત યાવિશીંચીં સર્ટિફિકેટેં વ ત્યાચા નમુના અર્જા બરાબર પાઠવાવા.

અર્જીંત દર લિહિણે તો કોળસે કિનાર્‍યાસ ઉતરણ્યાચે વ જોખૂન ટાંકસાળેંત ભરૂન દેણ્યાચે ખર્ચા સુધ્ધાં ત્યાહાવા.

મિંટ માસ્તર યાંસ જરૂર વાટેલ તર સર્કારી અંમલદારાચે કમિટી જવળૂન કોળશાચી પાહણી કરૂન પસંત કરૂન ઘેતીલ આણિ ટાંકસાળેંત કોળસે સોપઊન દેણ્યાંત યેત તોંપર્યંત ત્યાચેં જોખીમ અર્જદારાચે માથીં રાહીલ.

અર્જીંચા ખાલીં નમુના લિહિલા આહે ત્યા પ્રમાણે કાંહીં ફેરફાર કેલ્યા વાંચૂન અર્જી કેલી પાહિજે આણિ એખાદે અર્જીંત લિહિલેલા દર સર્વાંહૂન કમી અસેલ તથાપિ કારણ સાંગિતલ્યા વાંચૂન તો અર્જ રદ કરાયાસ સરકાર મુખ્ત્યાર આહે.

અર્જીંચા મસુદા.

મુંબઈચે મિંટ માસ્તર સાહેબ યાંસ.

સન ૧૮૫૬ ઇસવીચ્યા અકટોબર મહિન્યાચ્યા નવ્વે તારખેચ્યા મુંબઈ ગ્યાઝેટ યા નાવાચ્યા વર્તમાનપત્રાંત જાહિરખબર છાપલી આહે ત્યાવરૂન ખાલીં લિહિલેલે પ્રકારચે વ દરાને કોળસે સર્કારી કામાંકરિતાં દેણ્યાસ આમ્હી રાજી આહોંત.

કોળશાચા પ્રકાર.	કયા વાહાણથી આવશે.	કેટલા ટન.		સર્વ ખર્ચા સુદ્ધાં વીસ હુંડરેવેટાચે ટનીચા ભાવ.			રકમ અક્ષરીં.
				રુ.	આ.	પૈ.	

સદરહૂ જાહિર ખબર લિહિલેલ્યા સર્વ શર્તી આમ્હાસ કબૂલ આહેત.

મુા મુંબઈ તારીખ

અર્જ કરણારાચી સહી.

મિંટ માસ્તર કપતાન જેમ્સ હેનરી બર્ક સાહેબ બાહાદુર યાંચી સહી.

VENAYEK WASSOODEW,
Oriental Translator to Govt.

MINT NOTICE.

Summary of the Rules for the Receipt of Bullion in the Bombay Mint. (Published under the authority of the Mint Committee.)

1. Tenders of GOLD or of SILVER BULLION will be received from Merchants or from individuals at the Bombay Mint, between the hours of 10 A. M. and 3 P. M. daily (Sundays and Holidays excepted), provided the parcel of Gold shall not be less than Fifty Tolas in weight, and the parcel of Silver not less than One thousand Tolas in weight, and provided such parcels be of a malleable quality, adapted for coinage.

2. Bullion or Coin must be tendered by the proprietor in the following form, lithographed copies of which will be supplied on application at the Mint:—

To the MINT MASTER, Bombay.

SIR,

beg to tender for coinage, at the Mint rate, the undermentioned Bullion, for which request you will have the goodness to grant a Bullion Certificate, payable at the Treasury at twenty days' sight after the said Bullion shall be received and registered, and its actual out-turn value ascertained at the Mint.

Marks on Boxes.	Mark on Silver.	No. of Boxes.	Description of Bullion.	Assumed Amount in Tolas.	Actual Weight in Troy lbs.	

I have the honour to be,
Sir,
Your most obedient Servant,

Bombay, 185 .

3. All Gold and Silver Bullion and Coins that may be tendered to the Mint for coinage, must be melted and cast into Bars by the Mint Premelting Establishment, prior to their being received or assayed.

4. No transfer of Bullion from the name of one proprietor to that of another proprietor can be permitted, after such Bullion has once been tendered to, and actually deposited in the Mint. No Bullion can be withdrawn previous to registry, except sweepings and spillages of Bullion that may have been melted, without the payment of a fee of Rupees two for each Pass permitting such withdrawal.

5. It is to be understood that, until the Bullion or Coin shall be delivered after premelting to the Mint, at the Mint Scales in the Bullion Receiving Room, it is to be considered in the custody and at the risk of the importer, to whom, however, every facility will be afforded for securing it in the Bullion Strongholds.

6. On the receipt of the Assay Report, an account current, which shall be verified by the Assistant Bullion Keeper, showing the net produce of the Bullion or Coin with reference to its weight and Assay value, after deducting the authorised amount of Mint Duty, of Refining, and of Premelting charges, will be submitted to the importer for his examination and signature, after which shall have been obtained, a Bullion Certificate on the General Treasury, prepared in the Mint Master's Office, will be delivered to him, authorising the holder to receive the amount at twenty (20) days' sight, calculated from the date of the registry or final receipt by the Mint of the Bullion.

7. The Seignorage to be levied on the Coinage of Gold Bullion or Coin will be at the long-established rate of one per cent. on the ascertained standard out-turn value thereof. The Seignorage to be levied on the recoinage of Silver Sicca Rupees will be at the rate of one per cent. on the out-turn value. There will not be any Seignorage levied on the recoinage of short-weight Madras, Furruckabad, or Company's Rupees.

The Seignorage to be levied on the Coinage of all other descriptions of Silver Coins and Bullion will be at the rate of two per cent. on the ascertained out-turn standard value.

8. The Refinage charge on Silver below six pennyweights in Assay worse than the Indian Standard will be at the rate of ·04 per cent. per pennyweight of worseness. The Refinage charge on Gold will be at the rate of one-half per cent. for every five carat grains of worseness below the Indian Standard.

9. The Premelting charge on Gold will be at the rate of Company's Rupees three and Annas twelve per one thousand tolas of Standard Gold, and on Silver at the rate of one Company's Rupee per one thousand Standard tolas.

10. Importers of Bullion or Coin will be at liberty to withdraw the same within the day following the receipt of the Assay Report, or within the day following the registry thereof, but at no later period, on payment of an Assay fee of four Rupees for each Assay of Gold Bullion, and of two Rupees for each Assay of Silver Bullion, independent of the payment of the Premelting charges above laid down on the gross weight of such Bullion.

11. Should Bullion, after having been premelted, prove to be brittle, and not adapted for coinage, it will be returned to the proprietor, and passed out of the Mint, under a written Pass, signed by the Mint Master and by the Assistant Bullion Keeper, and the proprietor will have to pay the charges for premelting the same at the prescribed rate, calculated on the gross weight in tolas of the Bullion so rejected.

J. H. BURKE, Captain,
Mint Master.

Bombay Mint, 23rd December 1856.

જાહેરનામું.

એહેવું જે મુંબઇની ટંકશાલમાં શોનું તથા ચાંદી લેવા વિશેની કાંનુન મિંટ કમિટિના હુકમ ઉપરથી પ્રસિદ્ધ કરી છે તે.

૧. આદિતવાર તથા છુટીના દાહાડા સિવાય દરરોજ રાવારનાં દશ વાગાથી તે બપોર પછી ત્રણ વાગતાં સુધી શોનું તથા ચાંદી વેપારી પાસેથી અથવા બીજા લોકો પાસેથી મુંબઇની ટંકશાલમાં લેશે. પણ શોનું પચાસ તોલા કરતાં ઓછું ન જોઇએ તથા ચાંદી હજાર તોલા કરતાં ઓછી ન જોઇએ તથા સદર્હું શોનું તથા ચાંદી શિક્કો પાડવા લાયક નરમ જોઇએ.

૨. શોનું અથવા ચાંદી અર્થેજ નાણું ટંકશાલમાં આપવું તે માલકે હેઠળ લખેલા મુશદ્દા પ્રમાણે અરજ લખીને

આપવું. અરજની છાપેલી નકલો ટંકશાલમાં માંગવાથી મલશે.

મુંબઈના મિંટ માસ્તર જોગ.

નીચે લખેલું સોનું (અથવા ચાંદી) ટંકશાલના દર પ્રમાણે શિક્કો પાડવાસારૂ હાજર કરૂં છું તે સોનું (અથવા ચાંદી) ટંકશાલમાં લઇને નોંધીને તેની વાજબી કિંમત ઠરાથી દાખલ કરાથી વીસ દિવસની મુદતમાં તીજોરીમાંથી અવેજ મળે એવી બુલિઅંન રાસિટિફિકેટ આપે મેહેરબાની કરીને આપવી.

પેટીઓ ઉપરની નિશાણી	ચાંદી ઉપરની નિશાની.	પેટીની સંખ્યા.	સોનુ તથા ચાંદીનો પ્રકાર.	સુમારે વજન તોળા.	ટ્રોય વજન પ્રમાણે નકી વજન રતલવિગેરે.

સહી.

મુકામ મુંબઈ તારીખ માહે સન

૩. જે સોનું તથા ચાંદી તથા નાંણું શિક્કો પાડવા શારૂ ટંકશાલમાં આપશે તે લીધાની અગાઉ અથવા તેની ચારાણી કાહાડની અગાઉ તે ટંકશાલમાં પ્રથમ ગાલવાના ખાતામાં ગાલીને તેની લગડીઓ કરવી જોઇએ.

૪. સોનું અથવા ચાંદી ટંકશાલમાં એક વખત આપી ચુકી એટલે તે એક માલકના નામ ઉપરથી બિજાનાં નામઉપર ચહડાવી દેશે નહીં. સોનું અથવા ચાંદી નોંધ્યાની અગાઉ ટંકશાલમાંથી કાહાડી લઈ જવી હોય તો કાહાડી લઈ જવાની ચિઠી બદલ રૂ. ૨ પી આપ્યા વગર કાહાડી લઈ જવા દેશે નહીં જે સોનું અથવા ચાંદી ગાલી હશે તેનો કચરો અથવા ગાલ માત્ર લેવા દેશે.

૫. સોનું અથવા ચાંદી અથવા નાણું પ્રથમ ગાલા પછી સોનું તથા ચાંદી લેવાની કોટડીમાં ટંકશાલના કાંટા ઉપર તે સોંપી દેશે તાંહાં સુધી તે માલકને તાબે છે તથા તેનુ જોખમ તેને માથે છે એવું સમજવું જોઇએ. પણ સોનું તથા ચાંદી બંદોબસ્તથી રાખવાની કોટડીમાં તે રાખવા સિવે તેને સર્વે પ્રકારે બંદોબસ્ત કરી આપશે.

૬. ચારાણીનો રપોટ આવ્યા પછી મિંટ ડુટીનો તથા શોધવાનો તથા પ્રથમ ગાલવાના ખર્ચની ઠરાવેલી રકમ બાદ કરીને સોનાંની અથવા ચાંદીના અથવા નાંણાંના વજંન પ્રમાણે તથા ચારાણીની કિંમત પ્રમાણે નકી ઉત્પન થારો તેનો હિશાબ આસિસ્ટેંટ બુલિઅંન કીપરની સહીનો માલકને તપારાવા શારૂ તથા સહી કરવા શારૂ આપવો. તે ઉપર માલકની સહી થઈ એટલે મિંટ માસ્તરની કચેરીમાં તઇઆર કરેલા જનરાલ તીજોરી ઉપરની બુલિઅંન રાસિટિફિકેટ માલકને આપવી તે એહેવી કે નોંધ્યાની તારીખથી એટલે સોનું અથવા ચાંદી અથવા નાણું ટંકશાલમાં નખી ઠરાવીને લીધાની તારીખથી વિશ દિવસની મુદતની તે રાસિટિફિકેટની રકમ તે જેની પાશે હશે તેહેને મળશે એહેવી મજકુરની રાસિટિફિકેટ આપવી.

૭. સોનું અથવા ચાંદી અથવા નાંણાંનો શિક્કો પાડવા બદલ તેની વાસ્તવીક ઠરેલી કિંમત ઉપર દર શેકડે એક ટકો પ્રમાણે લેશે.—શિક્કા રૂપૈઆની ચાંદીનો ફરીથી શિક્કા પાડવા બદલ તેની વાજબી કિંમત ઉપર દર શેકડા એક ટકા પ્રમાણે લેશે.—મેદ્રાસી તથા ફરકાવાદી તથા કંપનીના ઓછા વજંનના રૂપૈઆનો ફરીથી શિક્કો પાડવાને કાંઈ બેશશે નહીં.

સદહું શિવાય બિજા રૂપૈઆનાં નાંણાંના તથા ચાંદીના શિક્કા પાડવા બદલ વાજબી ઠરેલી કિંમત ઉપર દર શેકડે બે ટકા લેશે.

૮. બ્રિટિશ ઇંડિઆના ઠરાવેલા ટચ કરતાં ચારાણીમાં છ પેનીવેટ કરતાં ઓછી નરશા ચાંદી શોધવાનો ખર્ચ પડશે તે એક પેનીવેટ નરશા ચાંદી બદલ શેકડે .૦ ૦ ૪ ચાર શતાંઉશા એ દર પ્રમાણે પડશે. સોનું શોધવાનો ખર્ચ પડશે તે બ્રિટિશ ઇંડિઆના ઠરાવેલા ટચ કરતાં દર એક પાંચ કચરેટ ગ્રેન, નરશા બદલ શેકડે અર્ધો ટકો પડશે.

૯. પ્રથમ ગાલવા બદલ ખર્ચ પડશે તે આ પ્રમાણે ઠરાવેલા ટચના એક હજાર તોળા સોનાને કંપની રૂ. ૩ ૧૨ ૦ પડશે અને ઠરાવેલા ટચના એક હજાર તોલા ચાંદીનો કંપની રૂપીયો ૧ પડશે.

૧૦. સોનું અથવા ચાંદી અથવા નાણું ટંકશાલમાં દેનારાં માણસોની પાછું કાહાડી લઈ જવાની મરજી હશે તો આશેનો રપોટ દાખલ થયાથી ઇમા નોંધ દાખલ થયાથી એક દિવસની અંદર કાહાડી લઈ જવાને મુખતીઆર છે. ત્યાર પછી તેને પાછું મલનાર નહીં અને સદહું દિવસની અંદર કાહાડીને લઈ જશે ત્યારે પ્રથમ ગાલવાનો ખર્ચ ઉપર લખ્યો છે તે શિવાય વળી સોનાની દરએક ચારાણી બદલ ચાર રૂપૈઆ અને ચાંદીની ચારાણી બદલ બે રૂપૈઆ ફી દેવી પડશે.

૧૧. સોનું અથવા ચાંદી પ્રથમ ગાલ્યા પછી તે કઇંણ છે તથા તે શિક્કો પાડવા લાએક નથી એહેવું નજરમાં આવશે તો તે માલકને પાછું આપવું અને મિંટ માસ્તરની તથા આસિસ્ટેંટ બુલિઅંન કીપરની શાહીની લખેલી પરવાનગી ચિઠી ઉપરથી તે ટંકશાળમાંથી બાહાર જવા દેવી અને સોનું અથવા ચાંદી સદહું પ્રમાણે રદ કરેલું હશે તેના ખરા વજંન ઉપર ઠરાવેલા દર પ્રમાણ પ્રથમ ગાલવાનો ખર્ચ થારો તે માલકે આપવો જોઇએ.

સહી.

જેમશ હેનરી બર્ક કપતાન,
મિંટ માસ્ટર.

તારીખ ૨૩મી માહે ડિસેંબર સાંને ૧૮૫૬ ઇસવી

મુકામ મુંબઈ ટંકશાળ.

जाहिरनामा.

મુંબઈ એથીલ ટાંકસાળેંત સોને વ ચાંદી ઘેણ્યાવિષયીં કાનુ મિંટ કમિટીચે હુકુમાવરૂન પ્રસિદ્ધ કેલ્યા આહેત ત્યા.

૧. આદિતવાર વ સુટીચે દિવસ ખેરીજ કરૂન દરરોજ સકાળચે દાહા વાજલ્યા પાસૂન દોન પ્રહરચે તીન વાજત તોં પર્યંત સોને વ ચાંદી વ્યાપાર્‍યા કડૂન કિંવા ઇતર મનુષ્યા કડૂન મુંબઈચે ટાંકસાળેંત ઘેતીલ પરંતુ સોને પંનાસ તોળ્યાંહૂન કમી અસૂં નયે વ ચાંદી હજાર તોળ્યાંહૂન કમી અસૂં નયે આણિ સદહું સોને કિંવા ચાંદી શિક્કા પાડણ્યા યોગ્ય નરમ અસાવી.

૨. સોને કિંવા ચાંદી કિંવા નાણે ટાંકસાળેંત દેણે તેં માલકાને ખાલીં લિહિલેલે મસુદ્યા પ્રમાણે અર્જ લિહૂન દાવેં. અર્જાચ્યા છાપીલ નકલા ટાંકસાળેંત માગિતલ્યા અસતાં મિળતીલ.

મુંબઈ યેથીલ મિંટ માસ્તર સાહેબ યાંસ.

ખાલીં લિહિલેલેં સોને (કિંવા ચાંદી) ટાંકસાળેંતીલ દરા-પ્રમાણે શિક્કા પાડણ્યા કરિતાં હજાર કરિતોં તેં સોને (કિંવા ચાંદી) ટાંકસાળેંત ઘેઉન નોંદૂન ત્યાચી વાસ્તે-વિક કિંમત ઠરલ્યા વર લાગૂ કેલ્યા પાસૂન વીસ દિવસાંચે

मुदतीने तिजोरींतून ऐवज मिळे असें बुलियन सर्टिफिकेट आपण मेहरबानगी करून द्यावें.

पेठोवरील निशाण्या.	चांदी वरील निशाण्या.	पेट्यांची संख्या.	सोने किंवा चांदीचा प्रकार.	अजमासें वजन तोळे.	टाच वजना प्रमाणे नक्की वजन रतल वगैरे.		

सही.

मु॥ मुंबई तारीख माहे सन

३. जें सोने व चांदी व नाणे शिक्का पाडण्याकरितां टांकसाळेंत देतील तें घेण्यापूर्वी किंवा त्याची चासणी काढण्या पूर्वी तें टांकसाळेंतील प्रथम गाळणारे खात्यांत गाळून त्याच्या लगडया केल्या पाहिजेत.

४. सोने किंवा चांदी टांकसाळेंत एकदा देऊन ठेविली म्हणजे ती एका मालकाचे नावावरून दुसऱ्याचे नावावर चढवूं देणार नाहीं सोने किंवा चांदी नोंदल्यापूर्वी टांकशाळेंतून काढून नेणे झाल्यास काढून नेण्याचे चिठी बदल दोन रुपये फी दिल्ह्या वांचून काढून नेऊं देणार नाहींत जें सोने किंवा चांदी गाळिली असेल तिचा कचरा व गाळ मात्र नेवूं देतील.

५. सोने किंवा चांदी किंवा नाणे प्रथम गाळिल्या नंतर सोने व चांदी घेण्याचे खोलींतील टांकसाळीचे कांट्यावर तें सोंपवून देत तोंपर्यंत तें मालकाचे ताब्यांत आहे व त्याचें जोखीम त्याचे शिरावर आहे असें समजलें पाहिजे परंतु सोने व चांदी बंदोबस्ताने ठेवण्याचे खोल्यांत तें ठेवण्याविषयीं त्यास सर्व प्रकारें सोई करून देतील.

६. चासणीचा रपोट आल्यावर मिंट ड्यूटीची व शोधण्याचें व प्रथम गाळण्याचे खर्चाची ठरविलेली रकम वजा करून सोन्याचे किंवा चांदीचे किंवा नाण्याचे वजना अन्वयें व चासणीचे किंमती अन्वयें नक्की उत्पन्न होईल त्याचा हिशोब असिस्टेंट बुलीयन कीपरचे सहीचा मालकास तपासण्याकरितां व सही करण्याकरितां द्यावा त्यावर मालकाची सही झाली म्हणजे मिंट मास्तरचे कचेरींत तयार केलेलें जनरल तिजोरीवरचें बुलियन सर्टिफिकेट मालकास द्यावें तें असें कीं नोंदीचे तारिखेपासून म्हणजे सोने किंवा चांदी किंवा नाणे टांकसाळेंत नक्की ठरवून घेतल्या तारिखेपासून वीस दिवसांचे मुदतीने त्या सर्टिफिकेटाची रकम तें ज्या जवळ असेल त्यास मिळेल असे मजकुराचें सर्टिफिकेट द्यावें.

७. सोने किंवा चांदी किंवा नाण्याचा शिक्का पाडण्या बदल त्याचे वास्तवीक ठरलेले किमतीवर दर शेकडा एक टका प्रमाणे घेतील.—शिक्का रुप्याचे चांदीच पुन्हा शिक्का पाडण्या बदल त्याचे वास्तवीक किमतीवर दर शेकडा एक टका प्रमाणे घेतील.—मद्रासी व फरकाबादी व कंपनी कमी वजनाचे रुप्याचा पुन्हा शिक्का पाडल्यास कांहीं पडणार नाहीं.

सदर्हू खेरीज इतर रुप्याचे नाण्याचा व चांदीचा शिक्का पाडण्याबदल वास्तवीक ठरलेले किमतीवर दर शेकडा दोन टके घेतील.

८. ब्रिटिश इंडियाचे ठरविलेले टचाहून चासणींत साहा पेनीवेटा पेक्षां कमी नरस असणारी चांदी शोधण्याचा खर्च पडेल तो एक पेनीवेट नरस चांदी बदल शेकडा .० ० ४ च्यार शतांश या दराने पडेल सोने शोधण्याचा खर्च पडेल तो ब्रिटिश इंडियाचे ठरविलेले टचाहून प्रत्येक पांच क्यारेट ग्रेन नरस असल्यास बदल शेकडा अर्धा टका पडेल.

९. प्रथम गाळण्या बदल खर्च पडेल तो येणे प्रमाणे. ठरलेले टचाचे एक हजार तोळे सोन्यास कंपनी तिन रुपये बारा आणे पडतील आणि ठरलेले टचाचे एक हजार तोळे चांदीस कंपनी एक रुपाया पडेल.

१०. सोने किंवा चांदी किंवा नाणे टांकसाळेंत देणारी मनुष्यें तें परत काढून नेण्यास इच्छीत असतील तर आसेचा रपोट दाखल झाल्यावर किंवा नोंद दाखल झाल्यावर एक दिवसाचे आंत काढून नेण्यास मुखत्यार आहेत मग त्यास परत मिळनार नाहीं आणि सदर्हू दिवसाचे आंत काढून नेतील तेव्हां प्रथम गाळण्याचा खर्च वर लिहिला आहे त्या खेरीज आणखी सोन्याचे प्रत्येक चासणी बदल चार रुपये आणि चांदीचे प्रत्येक चासणी बदल दोन रुपये फी द्यावी लागेल.

११. सोने किंवा चांदी प्रथम गाळल्या नंतर ती कडक आहे व शिक्का पाडण्या योग्य नाहीं असें नजरेस येईल तर ती मालकास परत करावी आणि मिंट मास्तरचे व असिस्टेंट बुलियन कीपरचे सहीचे लेखी परवांनगी चिठी वरून ती टांकसाळेंतून बाहेर जाऊं द्यावी आणि सोने किंवा चांदी सदर्हू प्रमाणे रद्द केली असेल तीचे ऐन वजनावर ठराविलेले दरा प्रमाणे प्रथम गाळण्याचा खर्च होईल तो मालकाने दिल्हा पाहिजे. सही.

जेम्स् हेनरी बर्क कप्तान,
मिंट मास्तर.

तारीख २३ माहे डिसेंबर सन १८५६ इसवी
मुकाम मुंबई टांकसाळ.

VENAYEK WASSOODEW,
Oriental Translator to Govt.

No. 77 OF 1857.

Notice

Is hereby given, that a small supply of ADHESIVE ENVELOPES, referred to in the undermentioned Notice of the Officiating Director General of the Post Office in India, dated Calcutta, the 29th November 1856, have been received by this Department from Calcutta. Officers in charge of Local Depôts, requiring any, should prefer their Indent to this Department, as directed in the above notice.

"NOTICE.

"The Officers in charge of Treasuries and Depôts for the custody and sale of Postage Stamps are informed that Adhesive Envelopes, stamped with the value of One Anna, have been received from England, and, being now in charge of the Superintendent of Stamps, Calcutta, are now available on Indent.

"2. These Envelopes are in packets of 16, and each packet is enclosed in a wrapper, on which is marked the price, Rs. 1-2-0.

"3. The Rules for the sale of Postage Stamps are applicable to the sale of the Stamped Envelopes; but discount is allowed on the actual value of the latter, and not the extra charge of 2 annas on every 16 Envelopes, which is added to cover the cost of the paper and manufacture.

"4. The Superintendent of Stamps will not supply the Stamped Envelopes in a smaller quantity than one Ream at a time, which consists of 30 Packets, and is of the value of Rs. 33-12-0, including the extra charge of 2 annas on each Packet."

J. W. MUSPRATT,
Superintendent of Stamps.

Bombay, General Stamp Office,
4th February 1857.

PUBLIC WORKS DEPARTMENT.

The Right Honorable the Governor in Council is pleased to publish the following STATEMENT, showing the WORKS OF PUBLIC UTILITY (whether of construction or repair) EXECUTED in the BELGAUM COLLECTORATE, during the year 1856, either wholly or partially at the cost of Private Individuals; and, in the latter case, showing the extent of contributions from private sources :—

Districts.	Places where Constructed.	Description of the Works.	Cost of each Work, and the Proportions of Cost defrayed by Government and by Private Individuals respectively.			Names of Private Individuals who have either wholly or partially defrayed the Cost of each Work.
			Private Contribution.	Government Contribution.	Total Cost.	
			Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	
PADSHAPOOR	Peit Padshapoor	A new Dhurumsala near the Southern Gate, called Buswundewur Ugusee.	138 15 6	64 9 10	203 9 4	The inhabitants of the Town, through the instrumentality of Veeroopaux Dondeo, Mahálkuree of Unkulgee.
SUMPGAUM	Kusba Sumpgaum	Repairs to Walls and Steps of the Barakhote and Sukree Wells.	461 2 0	100 0 0	561 2 0	Ditto ditto through the instrumentality of the Mamlutdar, Sheshgeer Rao Soobajee.
BEREE	Ningunmutt	Repairing a Well by rebuilding its Walls and Steps.	45 0 0	75 0 0	120 0 0	Ditto ditto ditto Mamlutdar Melguree Hoochungowra.
PURUSGUR	Yedravee	Sinking and constructing a new Well, partly of dry stone and partly of stone and chunam, near the Hunmunt Dewar Temple.	415 0 0	175 0 0	590 0 0	Ditto ditto ditto Mamlutdar Venkajee Gopal.
	Oogurgole	Cleaning and repairing an old Tank	2,055 2 0	2,000 0 0	4,055 2 0	Ditto ditto.
	Munikuttee	A Dhurumsala	168 12 0	.....	168 12 0	Ditto ditto.
	Suttigeree	Repairing Tank on the western site of the Village.	300 0 0	200 0 0	500 0 0	Ditto ditto.
	Rynapoor	Repairing an old Tank north of the Village.	500 0 0	954 2 0	1,454 2 0	Ditto ditto.
	Sindogee	Repairing the Road from the Village to join the Nurgoond line of road.	150 0 0	.....	150 0 0	The inhabitants of this Town, in conjunction with those of Heroor and Hulloor, through the instrumentality of Chunbusapa Maitee and Sidramapa Kudum, of Sindogee. This is the estimated amount of contribution *in labour*.
		Carried over .... Rs.	4,233 15 6	3,568 11 10	7,802 11 4	

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Districts.	Places where Constructed.	Description of the Works.	Cost of each Work, and the Proportions of Cost defrayed by Government and by Private Individuals respectively.			Names of Private Individuals who have either wholly or partially defrayed the Cost of each Work.
			Private Contribution.	Government Contribution.	Total Cost.	
			Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	
		Brought over.. Rs.	4,233 15 6	3,568 11 10	7,802 11 4	
PURUSGUR *(contd.)*	Yeekeree	A Road from the Village to join the Nurgoond line.	25 0 0	.....	25 0 0	The inhabitants of the Village, through the instrumentality of Balapa Arair and Eerupa Poojaree. This is the estimated amount of contribution in labour.
GOKAK	Kusba Gokak	A Dhurumsala facing the Eastern Gate of the Town.	47 8 0	47 8 0	95 0 0	The inhabitants of the Town, through the instrumentality of the Mamlutdar Ram Rao Soobajee.
UTTME	Boodihal	A Dhurumsala	82 8 0	30 0 0	112 8 0	The inhabitants of the Village, through the instrumentality of Malapa bin Kenchapa Naik, and Hunmapa bin Sutteeapa Goura.
		Total.... Rupees	4,388 15 6	3,646 3 10	8,035 3 4	

By order of the Right Honorable the Governor in Council,

W. HART,
Secretary to Government.

Bombay Castle, 1st April 1857.

ಪಬ್ಲಿಕ್ ವರ್ಕ್ಸ್ ನಡಿ ಕೆಲಸ.

ತಾಲ್ಲೂಕು ಹೆಸರು.	ದಾವಲಿಕಾನೆಲೆ-ಕೆಲಸವು ಯಿಟ್ಟಿರುವ ಊರಿನ ಹೆಸರು	ಕೆಲಸದ ಪ್ರಕಾರ	ಪ್ರವರಂದಕೆಲ್ಲದ ಪಟ್ಟಿಗೆ ಅದರಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಪ್ರಕಾರ ಯಿರುವ ಕೆಲಸಕ್ಕೆ ಬೇಕಾದ ಹಣ.								ಪ್ರವರಂದಕೆಲಸದ್ದು ಪಟ್ಟಿಗೆ ಅನುಸರಿಸಿ ಕೆಲಸ ಆಗಿರುವ ಪ್ರಮಾಣ
			ಜನರು ಮಾಡಿರುವ ಕೆಲಸ-ದ್ದು			ಸರಕಾರದವರು ಮಾಡಿರುವ ಕೆಲಸ-ದ್ದು			ಒಟ್ಟು ಖರ್ಚು			
ಬೆಳಗಾವಿ	ಬೆಳಗಾವಿ	ರಸ್ತೆಗಳು ಬಾಗಲಕೋಟೆಯಿಂದ ಬೆಳಗಾವಿಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೧೫೫೦	೦	೦	೬೪೦೦	೦	೦	೭೯೫೦	೦	೦	ಅಂಕಲಗಿ ಹೂಲಕರಿ ರುಸ್ತೆಯಿಂದ ಬೆಳಗಾವಿಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.
ಸಂಕೇಶ್ವರ	ಸಂಕೇಶ್ವರ	ಹೂಲಿ ಚೂರ್ಕವರೆಗೆ ಸಾಲಿಗ್ರಾಮದಿಂದ ಸಂಕೇಶ್ವರಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೪೬೦	೬	೦	೧೦೦	೦	೦	೫೬೦	೬	೦	ಶೆಟ್ಟಿಹಳ್ಳಿ ಕಾರವಾರ ಹೂಲಿಗೆ ಹೋಗುವ ಮಣ್ಣಿನ ದಾರಿಯಿಂದ ಹೂಲಿ ಚೂರ್ಕವರೆಗೆ ಸಾಲಿಗ್ರಾಮದಿಂದ ಸಂಕೇಶ್ವರಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.
ಚಿಕ್ಕೋಡಿ	ನಿಂಗನವಾಡಿ	ಸಾಲಿಗ್ರಾಮದಿಂದ ಕಾರವಾರಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೪೫	೦	೦	೬೫	೦	೦	೧೦೦	೦	೦	ಶೆಟ್ಟಿಹಳ್ಳಿ ಕಾರವಾರ ಹೂಲಿಗೆ ಹೋಗುವ ಮಣ್ಣಿನ ದಾರಿಯಿಂದ ಹೂಲಿ ಚೂರ್ಕವರೆಗೆ ಸಾಲಿಗ್ರಾಮದಿಂದ ಸಂಕೇಶ್ವರಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.
	ಯಡಕಾಂಬಿ	ಹಣಮಂತ ದೇವರಾಯಬಿಳಿಯವರ್ಯರ ಹೊಲಾಭಾಂಬಿ ಕೆಲವಭಾಗವಲ್ಲಿನಿಂದ ಯಡಕಾಂಬಿ ಕೆಲವಭಾಗವಲ್ಲಿರುವ ಸುಣ್ಣದಿಂದ ಯಡಕಾಂಬಿ ಕಡೆಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೪೦೫	೦	೦	೧೨೫	೦	೦	೫೩೦	೦	೦	ಹಂಪ್ಪಾಚೀ ಸೊಕಾಶಿ ಹೂರುಲ್ಲಿ ದಾರಿಯಿಂದ ಕಡಕೂರಿ ಶೆಟ್ಟಿಹಳ್ಳಿ ಯಿಂದ ಬೆಳಗಾವಿಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.
	ಪರಸನಟ್ಟಿ	ಹಳ್ಳಿಕೆರೆಹೂಳುತ್ತಿರುವ ಸಿಬ್ಬಂದಿಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೧೦೫೫	೬	೦	೨೦೦೦	೦	೦	೪೦೫೫	೬	೦	ಕಿತ್ತೂ
	ಪರಸನಟ್ಟಿ	ಕಲ್ಲು ಕಿತ್ತುವ ಸ್ಥಳಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೧೬೮	೬	೦	೦	೦	೦	೧೬೮	೬	೦	ಕಿತ್ತೂ
	ಪರಸನಟ್ಟಿ ಸಂಕೇಶ್ವರ	ಮೂರಕಲ್ಲಿನ ಪದಕಟ್ಟೆಯಿಂದ ಹೂಲಿಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೪೦೦	೦	೦	೦	೦	೦	೪೦೦	೦	೦	ಕಿತ್ತೂ ಕಿತ್ತೂ
	ಪರಸನಟ್ಟಿ ಸಂಕೇಶ್ವರ	ಪ್ರಾರುದಪ್ಪನ ಕಟ್ಟೆಯಿಂದ ಹಳ್ಳಿಕೆರೆಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೩೦೦	೦	೦	೨೪೫	೬	೦	೨೫೫೫	೬	೦	ಕಿತ್ತೂ ಕಿತ್ತೂ
	ಪರಸನಟ್ಟಿ ಸಂಕೇಶ್ವರ	ಹೂರಿನಿಂದ ಪ್ರಾರಂಭಿಸಿ ಪರಸನಟ್ಟಿಯ ಸಂದರ್ಭದಲ್ಲಿ ಸಂಕೇಶ್ವರಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.	೧೫೦	೦	೦	೦	೦	೦	೧೫೦	೦	೦	ಶಿಂದ್ರ್ಯಾನಿಕರವಸ್ತಂನಬಸಪ್ಪಾಲು ಪ್ರಿರುವ ಕ್ಕೆ ಶಿಂದ್ರ್ಯಾನಿಕರವಸ್ತಂನಬಸಪ್ಪಾಲು ಪ್ರಿರುವ ಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮೇಲೆ ಮಣ್ಣು ಹಾಕಿ ಸರಿ ಮಾಡಿದ್ದು.

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ಕ್ರಮ ಸಂಖ್ಯೆಗಳ ಹೆಸರು.	ದಾವಲಿಕಾರಿಗಳಿಗೆ ಕೊಟ್ಟಲಾಯಿತ್ತು ಅಧಿಕಾರಿಯವರ ಸಹಿ.	ಸೂಚನೆಯ ಪ್ರಕಾರ.	ದರಕಂದಕೆಲಸದವರು ಯಿನ್ನೂ ಕೆಲಸಕ್ಕೆ ಬರುತ್ತಾ ಇದ್ದಾರೆಂದು ಕೆಲಸಕ್ಕೆ ಬರುವುದಿಲ್ಲವೆಂದು ಕೆಲಸ ಬಿಟ್ಟವರು.						ದರಕಂದಕೆಲಸದವರಿಗೆ ಕೊಡಲಾಗಿರುವ ಸಂಬಳ - ಬಿಡಿಸಿಕೊಂಡವರು ಅಲ್ಲದವರು.
			ಬಿಡಿಸಿಕೊಂಡವರು.			ಸರಕಾರದವರು ಬಿಡಿಸಿಕೊಂಡವರು.			
			ಅಂತೂ ಕೆಲಸ.			ಅಂತೂ ಕೆಲಸ.			
	ಯಿಲ್ಲಿ	ಸರಸುಂದರಸ್ತ್ರೀಯರು ದರಸ್ತ್ರೀಯರೂ ಇನವರು	೬೫	೦	೦	೦	೦	೦	೬೫ ೦ ೦ ನರೂಮಿಯಿಂ ಕೆಲಸಮಾಡಿದವರೂ ಬರಕಾಯುವೋರಿ ಅಬಮೂಳಿಂದ್ಯಮಿಯಿಂ ರಕ್ಷಿಸುವವರೂ ಬಾಳ್ಳಾಲಿಯೂರಿಂದ ಕುತ್ತುಯಿಂದ ಬರುವ ಪ್ರಯಾಣಿಕರಿಗೆ ಬರಮೂಳಿಂದ ಸತ್ತಿಯಿಂದ್ಯಾ ಸ್ರಾವುದ ಜನರೂ ಯಿಂದಾಕೆಲಸ ಮಾಡಿದವರೂ ಅವರಿಗೆ ಚಾರಿಯ ಅಬಮೂಳಿನವರೂ (ಇಳಿಯುವವರು ಯಿಲ್ಲಿ -
ನೋಕಾಕ	ಕ್ರಬಾನೋಕಾಕ	ಸ್ರಾವುದ ಪೂರ್ವದ ಕತಡೆ ಬಾಗಲಯುದರಿಸಿಕೊಳ್ಳುವವರು ಶಾಳಾಕಟ್ಟಿದವರು.	೪೬	೪	೦	೪೬	೪	೦	೯೬ ೦ ೦ ರಾವುಕಾವಲು ಬಾತೆಗೂಡುವ ಲಿದಾಕಂಯಿವರೂ ಬಿಳ್ಳಿತ್ತಿಯಿಂದ್ಯಾ ಸ್ರಾವುದ ಜನರು.
ಅಥಣಿ	ಮೂಡಿಡಾಕ	ಥರ್ಮಶಾಳಾಕಟ್ಟಿದವರು.	೨೨	೪	೦	೧೦	೦	೬	೨೮ ೪ ೦ ವಲ್ಲಿಕಾಬಿಂನಿಂದ ಪೈಂಜಿಪೈನಾಯಿಂದ ಬರುವ ಪ್ರಯಾಣಿಕರಿಗೆ ಪಲ್ಲಿಕಾಬಿಂನಿಂದ ಸತ್ಯಪೈನವರೆಗಾಯಿ ಬರುವ ಪ್ರಯಾಣಿಕರಿಗೆ ಅಂದ್ಯಾ ಸ್ರಾವುದ ಜನರು.
		ಯಿಲ್ಲಿಕಂದರಸ್ತ್ರೀಯರು.	೬೫೬೬	೧೪	೬	೨೬೬೬	೨	೧೦	೮೨೬೬ ೨ ೬

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ಕ್ರಮ ಸಂಖ್ಯೆ ೧ ನೇ ಯಿಂದ ೬ ನೇ ಯಿಲ್ಲಿ ಸೂಚಿಸಿರುವ ಸಂಖ್ಯೆಗಳಿಗೆ ಸರಿಯಾಗಿ ಯಿವೆ. ——

ಬಹೊಜಿ ಜಿಲ್ಲೆಯ ಕಲೆಕ್ಟರ್ ಆಫೀಸಿನಲ್ಲಿ ನಡೆಯುತ್ತಿರುವ ಅನೇಕ ಕಾಲಸಂಬಂಧವಾದ ಸಾಕ್ಷಿಗಳ ವಿಚಾರಣೆಯಲ್ಲಿ ——

ಸಾಕ್ಷಿಯಾಗಿ ಹಾಜರಾಗಿರುವ ವೆಂಕಾಯಿ ಬಾಲಾಸಕಂಪಲ ——

ಸಕ್ರೆಟರಿಯವರಿಂದ ಪ್ರತಿಜ್ಞೆಯ ಮೇರೆಗೆ ತೆಗೆದುಕೊಂಡ ಹೇಳಿಕೆ,
ಬಾಡಾಮೂರಿಯಲ್ಲಿ ಸಹಿ.

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

PUBLIC WORKS DEPARTMENT.

The Right Honorable the Governor in Council is pleased to publish the following STATEMENT, showing the WORKS OF PUBLIC UTILITY (constructed or repaired) EXECUTED in the DHARWAR COLLECTORATE, during the year 1856, either wholly or partially at the cost of Private Individuals; and, in the latter case, showing the extent of contributions from private sources:—

Districts.	Places where Constructed.	Description of Works.	Cost of each Work, and the Proportions of Cost defrayed by Government and by Private Individuals respectively.			Names of Private Individuals who have either wholly or partially defrayed the Cost of each Work.
			Private Contribution.	Government Contribution.	Total Cost.	
			Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	
DHARWAR	At Suttoor	Chowree	58 3 4	57 12 0	115 15 4	By all the Villagers, aided by Government.
	Bogoor	Do.	40 0 0	40 0 0	80 0 0	Ditto ditto.
	On the road from Hullihal to Dharwar.	Bridge	342 0 0	200 0 0	542 0 0	Ditto ditto.
NOWLGOOND	At Yawugul	Channel to the Tank	72 9 0	.....	72 9 0	By the Villagers.
	At Nowlgoond	Repairs to the Tank	213 11 6	.....	213 11 6	Ditto.
	At Annigerry	Do. to a Well	252 14 0	147 14 0	400 12 0	Ditto, assisted by Government.
	Ditto	Do. to a Chowree	15 0 0	15 0 0	30 0 0	Ditto ditto.
DUMBUL	At Kunginhal	Repairs to a Well	162 12 0	50 0 0	212 12 0	Ditto ditto.
	At Koorhuttee	Do. do.	75 0 0	18 12 0	93 12 0	Ditto ditto.
	At Jugulhullee	Do. do.	115 11 0	.....	115 11 0	By the Villagers.
	At Heeranurtee	Do. to a Tank	205 13 0	.....	205 13 0	Ditto.
	At Arey Belwee	A new Chowree	103 12 0	50 0 0	153 12 0	Ditto, assisted by Government.
	At Chacklubbee	Repairs to a Chowree	42 13 0	.....	42 13 0	By the Villagers.
	At Shetalhurree	Do. do.	30 2 9	22 8 0	52 10 9	Ditto, assisted by Government.
BUNKAPOOR	Heerabendgeree	A new Chowree	75 0 0	75 0 0	150 0 0	Ditto ditto.
	Chennoor	Do. do.	61 10 0	48 6 0	110 0 0	Ditto ditto.
	Moogdoor	Do. do.	50 0 0	50 0 0	100 0 0	Ditto ditto.
	Kurnjgee	Do. do.	107 0 0	75 0 0	182 0 0	Ditto ditto.
	Siggaum	Repairs to a Chowree	20 4 0	10 0 0	30 4 0	Ditto ditto.
	Unkudukuwar	A Bridge	680 8 0	.....	680 8 0	Ditto ditto.
HANGUL	Between Hangul and Bunkapoor	A Gutter and Bridge	52 0 0	44 8 0	96 8 0	By all the Villagers, aided by Government.
		Carried over.... Rs.	2,776 11 7	904 12 0	3,681 7 7	

Districts.	Places where Constructed.	Description of Works.	Cost of each Work, and the Proportions of Cost defrayed by Government and by Private Individuals respectively.			Names of Private Individuals who have either wholly or partially defrayed the Cost of each Work.
			Private Contribution.	Government Contribution.	Total Cost.	
			Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	
		Brought over.. Rs.	2,776 11 7	904 12 0	3,681 7 7	
HANGUL *(contd.)*	Shargooppee	Repairs to a Chowree	37 8 0	37 8 0	75 0 0	By all the Villagers, aided by Government.
	Koodul	Do. do.	62 4 0	62 4 0	124 8 0	Ditto ditto.
	Wurdee	Do. do.	50 8 0	50 8 0	101 0 0	Ditto ditto.
	Aloor	Do. do.	102 7 7	75 0 0	177 7 7	Ditto ditto.
HOOBLEE	Behuttee	A new Chowree	69 12 0	75 0 0	144 12 0	Ditto ditto.
	New Hooblee	A new Dhurumsala	217 15 5	.....	217 15 5	By the Villagers.
	Turrus	Repairs to Tank	300 0 0	700 0 0	1,000 0 0	Ditto, aided by Government.
RANEEBEDNOOR	Raneebednoor	Repairs to Reservoir	83 8 0	.....	83 8 0	By the Villagers.
	Bardee	Do. do.	152 0 0	152 0 0	304 0 0	Ditto, aided by Government.
	Benkunkond	Do. to Tank	294 12 0	147 4 0	442 0 0	Ditto ditto.
	Itgee	Do. to Well	300 0 0	100 0 0	400 0 0	Ditto ditto.
	Kodehall	A new Chowree	26 0 0	75 0 0	101 0 0	Ditto ditto.
	Goottul	A new Dhurumsala	46 6 0	.....	46 6 0	By Luxoomun Sing, Jemadar of that Village.
KODE	Kode	Repairs to Reservoir	100 0 0	38 0 0	138 0 0	By Villagers, aided by Government.
	Heerroor	Do. to Chowree	16 0 0	16 0 0	32 0 0	Ditto ditto.
		Total.... Rs.	4,635 12 7	2,433 4 0	7,069 0 7	

Bombay Castle, 1st April 1857.

By order of the Right Honorable the Governor in Council,

W. HART,

Secretary to Government.

ಪಬ್ಲಿಕ್ ವರ್ಕ್ಸ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್.

ಜನರು ವಿಶೇಷವಾಗಿ ಅಥವಾ ಯೀನಕೆಲಸಗಳನ್ನು ಮಾಡುವದಕ್ಕೆ ಸಂಸ್ಥಾನದವರಿಂದ ಸರಕಾರದ ಖರ್ಚಿನಲ್ಲಿ ಯಾವ ಯಾವ ಕೆಲಸಗಳು ಆಗಿವೆ ಅಥವಾ ಆಗುತ್ತಾ ಇವೆ ಅದರ ಪಟ್ಟಿಯನ್ನು ಕೆಳಗೆ ಬರೆದಿರುವಹಾಗೆ ಬಂದಿಗಾನಲ್ಲಿನ ಸಾಹೇಬರವರು ಕೊಟ್ಟಿರುವ ಪಟ್ಟಿಯ ಪ್ರಕಾರ ಬರೆದಿದೆ. ಈ ಪಟ್ಟಿಯಲ್ಲಿ ಜನರು ಕೊಟ್ಟ ಕಾಣಿಕೆಯ ಹಣದಿಂದ ಆದ ಕೆಲಸಗಳ ಪಟ್ಟಿಯನ್ನು ಬರೆದಿಲ್ಲ.

ತಾಲೂಕಿನ ಹೆಸರು.	ದಾವಲಿಕಾನಿಸಲಿಕೆ ಲನಸಾಯಿಕ್ತುಲಾಖಿ ಕಾನಸೆಂಯುಹೆಸರು	ಕೆಲಸದ ಪ್ರಕಾರ.	ದರವಂದಕೆಲ್ಪದಖರ್ಚು ಅದರಲ್ಲಿ ಸಂಸ್ಥಾನದವರು ಕೊಟ್ಟ ಹಣ.			ಸರಕಾರದವರು ಕೊಟ್ಟ ಹಣ.			ಯೀಕೆಂದರೆ ಖರ್ಚು			ದರವಂದಕೆಲಸಪ್ರಾರಂಭವಾದ ಅಥವಾ ನಡೆ-ಜನರು ಮಾಡಿದರು ಅವರ ಹೆಸರು.
ಧಾರವಾಡ	ಸಕ್ಕರ್	ಘಾವಡಿಕಲ್ಮಿದರು.	೫೮	೫	೪	೫೬	೧೨	೦	೧೧೫	೧೫	೪	ಸರಕಾರದವರುಕೊಟ್ಟಹಣ ಪ್ರಾಯ್ವೇಟ್ ಜನರು.
	ಮೋಸೂರ	ಕಿಲ್ಲಾ	೪೦	೦	೦	೪೦	೦	೦	೮೦	೦	೦	ಕಿಲ್ಲಾ
	ಬಲ್ಲಿದಾಳಿಂದ್ರಿ	ಘೂಲಕಲ್ಮಿದರ್ರು.	೩೪೭	೦	೦	೧೦೦	೦	೦	೩೪೭	೦	೦	ಜಿಲ್ಲಾ
	ಘಾವಡಿಕಲ್ಮಿದರ್ರು											
	ಕಲ್ಲಿ											
ನವಲಗುಂದ	ಲಂಬೂವನಲ್ಲಿ-	ಕೆಳೇಸಿನಳ್ಳಕಲ್ಮಿದರು.	೬೮	೧೩	೦	೦	೦	೦	೬೮	೧೩	೦	ಪ್ರಾಯ್ವೇಟ್ ಜನರು.
	ನವಲಗುಂದ	ಕೆಳೇಮರಕವಕ್ಕುಮೂಡಿದರು.	೧೧೩	೧೧	೬	೦	೦	೦	೧೧೩	೧೧	೬	ಜಿಲ್ಲಾ
	ಅಣ್ಣಿಗೇರಿ	ಘಾವಡಿಮರಕವಕ್ಕುಮೂಡಿದರು.	೬೩೭	೨೪	೦	೧೪೬	೨೪	೦	೪೯೦	೨೦	೦	ಸರಕಾರದವರುಕೊಟ್ಟಹಣ ಪ್ರಾಯ್ವೇಟ್ ಜನರು
	ಕಿಲ್ಲಾ	ಘಾವಡಿಮರಕವಕ್ಕುಮೂಡಿದರೂ	೨೫೫	೦	೦	೨೫೫	೦	೦	೦	೦	೦	ಕಿಲ್ಲಾ
	ಕಣಸಿನಕಟ್ಟಿ	ಘಾವಡಿಮರಕವಕ್ಕುಮೂಡಿದರೂ	೨೬೭	೦	೦	೨೬೭	೦	೦	೦	೦	೦	ಕಿಲ್ಲಾ
	ಕುರಹಟ್ಟಿ	ಕಿಲ್ಲಾ	೬೫೫	೦	೦	೨೬೫	೨೧	೦	೪೦೦	೨೧	೦	ಕಿಲ್ಲಾ
	ಯಿಟಿಗಟ್ಟಿ	ಕಿಲ್ಲಾ	೧೧೫	೦	೦	೦	೦	೦	೧೧೫	೦	೦	ಪ್ರಾಯ್ವೇಟ್ ಜನರು
ಹುಬ್ಬಳ್ಳಿ	ಹಿರೇಹಳ್ಳಿಗಟ್ಟಿ	ಕೆಳೇಮರಕವಕ್ಕುಮೂಡಿದರು	೬೦೫	೦	೦	೦	೦	೦	೬೦೫	೦	೦	ಕಿಲ್ಲಾ
	ಅರವಿಬೆಳ್ಳಿ	ಘೂಸಾಘಾವಡಿಕಲ್ಮಿದರ್ರು.	೧೧೦೫	೧೨	೦	೧೦೦	೦	೦	೧೧೦೫	೧೨	೦	ಸರಕಾರದವರುಕೊಟ್ಟಹಣ ಪ್ರಾಯ್ವೇಟ್ ಜನರು.
	ಶಿರಕಾಳಿ	ಘಾವಡಿಮರಕವಕ್ಕುಮೂಡಿದರು.	೪೮೭	೦	೦	೦	೦	೦	೪೮೭	೦	೦	ಪ್ರಾಯ್ವೇಟ್ ಜನರು.
	ಶಿಕಾಳಿಧರಿ	ಕಿಲ್ಲಾ	೨೦	೦	೬	೬	೦	೬	೧೪	೦	೦	ಸರಕಾರದವರುಕೊಟ್ಟಹಣ ಪ್ರಾಯ್ವೇಟ್ ಜನರು.
	ಪಿಕೆಬೆಂತಿಸೆಟ್ಟಿ	ಹುಸೂಘಾವಡಿಕಲ್ಮಿದರ್ರು	೬೭೫	೦	೦	೪೮೫	೧೯	೦	೧೯೦	೦	೦	ಕಿಲ್ಲಾ
	ಹುನ್ನೂರ	ಕಿಲ್ಲಾ	೦	೦	೦	೦	೦	೦	೦	೦	೦	ಸರಕಾರದವರುಕೊಟ್ಟಹಣ ಪ್ರಾಯ್ವೇಟ್ ಜನರು.

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹಾಜರಿ ಹಾಕಿಸಿಕೊಳ್ಳುವವರ ಹೆಸರು ಹಾಗೂ ಅವರ ಜಾತಿ	ಹೆಸರಿನ ಪ್ರಕಾರ	ದರಖಾಸ್ತಿನಲ್ಲಿ ಬರೆದಿರುವ ಪ್ರಕಾರ ಇರಬೇಕಾದ ಜನರ ಸಂಖ್ಯೆ			ಹಾಜರಿ ಹಾಕಿಸಿಕೊಂಡವರ ಸಂಖ್ಯೆ			ಯಾವ ಕಂದರಿಂದ ಬಂದವರು ಎಷ್ಟು ಜನ ಇದ್ದಾರೆ ಎಂಬ ಸಂಖ್ಯೆ			ದರಖಾಸ್ತಿನಲ್ಲಿ ಬರೆದಿರುವ ಪ್ರಕಾರ ಇರಬೇಕಾದ ಜನರ ಸಂಖ್ಯೆ ಕಡಿಮೆ ಇದ್ದರೆ ಅದಕ್ಕೆ ಕಾರಣವೇನು ಎಂಬುದು
			ಗಂಡಸರು	ಹೆಂಗಸರು	ಮಕ್ಕಳು	ಗಂಡಸರು	ಹೆಂಗಸರು	ಮಕ್ಕಳು	ಗಂಡಸರು	ಹೆಂಗಸರು	ಮಕ್ಕಳು	
ಬಂಕಾಪುರ	ಮುಸಲ್ಮಾನರು	ಕಿಲ್ಲೆ	೨೦	೦	೦	೨೦	೦	೦	೧೦೦	೦	೦	
	ಕರಿಬಸಪ್ಪ	ಕಿಲ್ಲೆ	೧೦೬	೦	೦	೭೫	೦	೦	೧೦೬	೦	೦	
	ಶಿವಪ್ಪ	ಹೊನ್ನಪಡಿಪುರಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೭೦	೦	೦	೦	೦	೦	೭೦	೦	೦	
	ಅನಂತಕವಿ	ಬಂಕಾಪುರ ಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೬೦	೫೪	೦	೦	೦	೦	೬೦	೫೪	೦	
ಜಾನಪದ	ಕಾಪಾಡಲಿಕ್ಕೆ ಗೊತ್ತಾದವರು	ಗಂಗಾಧರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಶಿಬಿರಸುಬ್ರಹ್ಮಣ್ಯ	ಹೊನ್ನಪಡಿಪುರಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಕುಲಕರ್ಣಿ	ಕಿಲ್ಲೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಪಟೇಲ	ಕಿಲ್ಲೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ತೂಟೂರು	ಕಿಲ್ಲೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
ಹುಬ್ಬಳ್ಳಿ	ಬ್ಯಾಹಟ್ಟಿ	ಹೊಸಬ್ಯಾಹಟ್ಟಿಕಲ್ಕಿದರು	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಹೊಸಹುಬ್ಬಳ್ಳಿ	ಹುಬ್ಬಳ್ಳಿಪಾಧ್ಯರುಕಲ್ಕಿದರು	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಕಡಪಲ	ಕಿಲ್ಲೆ ಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
ಕಾಣಿಸಿದವರು	ಕಾಣಿಸಿದವರು	ಹೊಸಜನರು ಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಸಾರಥಿ	ಕಿಲ್ಲೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಹೆಸನಕನಹಾಡ	ಹೊಸಪುರಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಅಂತಿಳ್ಳಿ	ಹೊಸಪುರಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಕೂಡಿಹಾಳ	ಹೊಸಸಾಹ್ಯಾದ್ರಿಪಟ್ಟಿಕಲ್ಕಿದರು	೭೬	೦	೦	೦	೦	೦	೭೬	೦	೦	
	ನವಲ್ಲ	ಹೊಸಪಾಧ್ಯರುಳ್ಳಿಕಲ್ಕಿದರು	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
ಕೊಡ	ಕೊಡ	ಹೊಸಜನರು ಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೦೦	೮೪	೦	೦	೦	೦	೧೦೦	೮೪	೦	
	ಡಿಗೂರ	ಹೊಸಪಡಿಪುರಕರಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿದಂತೆ	೧೨೬	೦	೦	೦	೦	೦	೧೨೬	೦	೦	
		ಯಿಪ್ಪತ್ತಕಂದರಲ್ಲಿ ಇರಬೇಕಾದ ಜನರ ಸಂಖ್ಯೆ	೪೬೪೫	೧೭	೬	೨೪೫೬	೪	೦	೨೦೭೬	೦	೬	

ಇದರಲ್ಲಿ ಹೆಸರು ಬರೆಯಿಸಿಕೊಳ್ಳದೆ ಯಿರುವವರ ಹೆಸರು ಮತ್ತು ಅವರು ಯಾಕೆ ಹೆಸರು ಬರೆಯಿಸಿಕೊಳ್ಳಲಿಲ್ಲವೆಂಬ ಕಾರಣ

ಬಂಕಾಪುರದಲ್ಲಿ ಹುಬ್ಬಳ್ಳಿ ಜಾನಪದಲ್ಲಿ ಸಾಹುಕಾರರಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಕಾಲಿಬಡಿಗರು ಮತ್ತು ಕೆಲಸದವರು ಇವರು ಹಾಜರಿ ಹಾಕಿಸಿಕೊಳ್ಳಲಿಲ್ಲ.

ಸಕ್ಕರಿಯವರು ಸಾಹುಕಾರರ ಕೆಲಸಕ್ಕೆ ಹೋಗಿದ್ದರಿಂದ ಹಾಜರಿ ಹಾಕಿಸಿಕೊಳ್ಳಲಿಲ್ಲ.

(True translation)

VENAYEK WASSOODEW, Oriental Translator to Govt.

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PUBLIC WORKS DEPARTMENT.

The Right Honorable the Governor in Council is pleased to publish the following STATEMENT, showing the WORKS OF PUBLIC UTILITY (constructed or repaired) EXECUTED in the ZILLA of SHOLAPORE, during the year 1856, either wholly or partially at the cost of Private Individuals; and, in the latter case, showing the extent of contributions from private sources:—

Districts.	Places where Constructed.	Description of the Works.	Cost of each Work, and the Proportions of Cost defrayed by Government and by Private Individuals respectively.			Names of Private Individuals who have either wholly or partially defrayed the Cost of each Work.
			Private Contribution.	Government Contribution.	Total Cost.	
			Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	
MUNGOLEE.....	Moujé Gonnall	A new Well, built with rough stone	150 0 0	150 0 0	300 0 0	The Villagers.
MARAH	Moujé Awah	A new Well, of rough stone, 66 feet in circumference and 10½ high.	45 0 0	45 0 0	90 0 0	Ditto.
KURMULLA.....	Moujé Koordoo	Dhurumsalla, 44 feet long by 12; height 14; walls of stone and mud; mud roof, with jungle wood; mud floor.	42 0 0	.....	42 0 0	Ditto.
		Total.... Rs.	237 0 0	195 0 0	432 0 0	

By order of the Right Honorable the Governor in Council,

W. HART,

Secretary to Government.

Bombay Castle, 1st April 1857.

पब्लिक वर्क्स डिपार्टमेंट.

लोकांनी सगळा किंवा कांहीं खर्च दिल्यावरून सन १८५६ इसवी सालांत सोलापूर जिल्ह्यांत लोकोपयोगी नवीन किंवा मरामतीचीं कामें जाहलीं त्याचा खालीं लिहिलेला तख्ता बंदिगान आलीनवाब मुस्तताब हजरत रैट आनराबल गवरनर साहेब बाहादुर दर इजलास कौन्सिल हे प्रसिद्ध करीत आहेत ज्या कामाचा सर्व खर्च लोकानी दिल्हा नाहीं त्या कामाबाबद लोकांनी किती पैका दिल्हा तोही या तख्त्यांत दर्शविला आहे.

तालुक्याचें नाव.	ज्या ठिकाणीं कामें झालीं त्या ठिकाणाचें नांव.	कामाचा प्रकार.	दर एक कामाचा खर्च त्यांतून सरकारानीं किती दिल्हा व लोकानीं किती दिल्हा.			दरएक कामाचा खर्च सगळा किंवा कांहीं लोकानीं केला त्यांचीं नावें.
			लोकानी ऐवज दिल्हा ते.	सरकारानी ऐवज दिल्हा ते.	एकंदर खर्च.	
			रु. आ. पै.	रु. आ. पै.	रु. आ. पै.	
मनगोली	मौजे गोनाळ	दगडी विहीर बांधिली	१५० ० ०	१५० ० ०	३०० ० ०	गांवचे लोकानी.
मांढें	मौजे आव्ह	६६ फुटी घेराची व १०॥ फुट उंची अशी दगडी विहीर बांधिली.	४५ ० ०	४५ ० ०	९० ० ०	गांवचे लोकानी.
करमाले	मौजे कुरडु	४४ फुट लांब १२ फुट रुंद व १४ फुट उंच दगडाच्या व मातीच्या भिंती व जंगली लांकडाचें धावें व मातीची जमीन अशी एक धर्मशाला बांधिली.	४२ ० ०	. . . . .	४२ ० ०	गांवचे लोकानी.
		एकंदर बेरीज	२३७ ० ०	१९५ ० ०	४३२ ० ०	

तारिख १ ली माहे एप्रिल सन १८५७ इसवी मुकाम जंजिरे मुंबई.

वागोजीवे हुकुम बंदिगान आली नवाब मुस्तताब हजरत रैट आनराबल
गवरनर साहेब बहादुर दर इजलास कौंसल.
उलीयम हार्ट,
सेक्रेटारी निसबत सरकार.
VENAYEK WASSOODEW, Oriental Translator to Government.

DIRECTIONS
FOR APPROACHING THE SAND HEADS IN BOTH MONSOONS.

South-West Monsoon.

The South-West Monsoon may be considered to commence on the 15th March, on which date the Pilot Vessels take up their station near the buoy on the Pilot's Ridge as described below. The South-West Monsoon is over by the end of September.

2nd.—False Point Light House is in latitude 20° 19½′ north, and longitude 86° 47′ east; and a buoy is placed in 21½ fathoms on the Pilot's Ridge, in latitude 20° 49½′ north, and longitude 87° 42′ east: the buoy therefore bears from False Point Light House north 59° 49′ east, true, and distant 59½ miles.

3rd.—A vessel, therefore, after making the Light House at False Point (in passing which she ought not to go into less than 10 fathoms) should bring it to bear about west-south-west 10 or 15 miles distant, when she will be in 11 or 12 fathoms; then steer east-north-eastward, when the soundings will gradually increase to 23 fathoms on the eastern edge of the Pilot's Ridge: she should then regulate her course so as to keep between the Ridge and 27 fathoms, when, by attention to the lead and nature of the soundings, course and distance run from the Light House, it is almost impossible to avoid making the Pilot Vessels, as their cruizing ground is immediately to the north-east of the Light Vessel stationed during the South-West Monsoon in close proximity to the buoy on the Ridge.

4th.—The soundings to seaward of the Pilot's Ridge are, in general, a greenish or olive-coloured mud, with occasionally a few bits of broken shells mixed with it; whilst those on the Ridge are of a shelly sand, or minute gravel, of a reddish or rusty brown colour.

5th.—Vessels approaching the station are earnestly warned to be careful in avoiding collision when communicating with either the Light, or supplying Pilot Vessels; and, on making the former at night, they are strongly recommended to heave to, at a proper distance, till day-light, by which measure they will avoid the probability of passing the supplying Pilot Vessels in the darkness of the night.

6th.—The Eastern Channel Light Vessel is in latitude 21° 4′ north, and longitude 88½° 14′ east, and ther efore bears from the buoy on the Pilot's Ridge north 63° 26′ east, true; and distant 32¼ miles. The Eastern Channel Light Vessel, from the 15th March to the 15th September, burns a blue light every half hour and a maroon every quarter hour during the night, commencing at 7 P. M.; and her standing light is a plain light.

7th.—The Pilot's Ridge Light Vessel shows from the 15th March to the 15th September a plain standing light, and burns a blue light every hour, and a maroon at the intermediate half hours.

8th.—It is important to observe the difference as to the blue lights and maroons shown by the Eastern Channel and the Ridge Light respectively, as, if this is attended to, a vessel, out in her reckoning, or uncertain of her position, cannot possibly mistake one for the other.

The North-East Monsoon.

9th.—This monsoon, which constitutes the fine season in the head of the Bay of Bengal, is considered to commence in October and end in the beginning of March. During this season the Pilot Station is about the Outer Floating Light situated in the Eastern Channel as above, and vessels coming in should make directly for that mark. The Pilot Vessels cruize in the day-time spreading east and west of, sometimes a little to the southward of, the Light Vessel; and at night anchor in positions not far from her. At this season she shows a maroon or torch-light every half hour and a blue light every hour.

DIVIE ROBERTSON,
Master Attendant.

Fort William, the 1st March 1856.

OFFICE MEMORANDUM.

The Commissioner for the Revision of Salaries and Establishments throughout India requests that all Letters may be directed to Madras till further notice.

Madras, 20th March 1857.

MINT NOTICE.

The Mint Master, with the sanction of the Mint Committee, begs to notify, with reference to the Mint Notice issued by him on the 23rd of December 1856, that, on account of the recent and expected very large arrivals of London Bar Silver, such Silver will, pending further notice, be received at the Mint without being required to be premelted, and in every respect as such Silver was received prior to the 1st instant, provided the Touch, as per invoice, shall exceed the Standard Indian Touch for Silver, that is, shall exceed 91·66 per cent.

Coins will continue to be premelted as formerly, and premelting charges will be levied on such Bullion only as may actually be premelted.

J. H. BURKE, Captain,
Mint Master.

Bombay Mint, 24th January 1857.

જાહેરનામું.

એહેવું જે તારીખ ૨૩ મી માહે ડિસેંબર સંને ૧૮૫૬ ને દિવસે મિંટ માસ્તરે જાહેરનામું પ્રગટ કર્યું છે તે બાબત મિંટ કમિટિના હુકમથી મિંટ માસ્તર એહેવું જાહેર કરે છે કે, લંડનના ચાંદીના લાહા હાલ ઘણા આવ્યા છે તથા ઘણા આવવાના છે વાસ્તે બિજું જાહેરનામું પ્રગટ કરવામાં આવે ત્યાંહાંસુધી સદર્હુ પ્રકારની ચાંદી પ્રથમ ગલાવીઆ શિવાય તથા ચાલતા મહિનાની પેહેલી તારીખની અગાઉ સદર્હુ પ્રકારની ચાંદી જે રીતે લેતા હતા તેમ ટેકસાલમાં લેશે પણ ઇનિયો-ઇસમાં ચાંદીનો જે ટચ લખેલો હોય તે બ્રિટિશ ઇંડિઆના ઠરાવેલા ચાંદીના ટચ કરતાં વધતો હોય એટલે શેકડે ૯૧.૬૬ થી વધતો હોય તોજ લેશે.

નાણું આગલ પ્રમાણે પ્રથમથી ગાલા કરશે અને જે ચાંદી ખરેખરી પ્રથમ ગાલશે તેનોજ માત્ર પ્રથમ ગાલવાનો ખર્ચ લેશે.

સહી.

જેમ્સ હેનરી બર્ક કપતાંન,
મિંટ માસ્તર.

તારીખ ૨૪ મી માહે જનેવારી સંને ૧૮૫૭ ઇસવી
મુકામ મુંબઈ ટેકસાલ.

VENAYEK WASSOODEW,
Oriental Translator to Govt.

Notice.

The Electric Telegraph Office at Dhoolia has been closed, and an Office opened at Malligaum.

R. L. BRUNTON,
Deputy Superintendent, Electric Telegraph.

Camp Poona, Deputy Supt.'s Office,
7th April 1857.

Notice

Is hereby given, that SEALED TENDERS for the SUPPLY of PETTY ARTICLES (such as Wax Cloth, Dungaree Cloth, Europe Candles, Europe and Country Sealing Wax, Bengal Twine, and Cocoanut Oil) will be received at my Office on Wednesday the 15th instant, at 12 noon precisely.

Parties tendering must make a Cash Deposit of Rs. 200, which will be forfeited in case the party whose tender may be accepted should fail to furnish the required security for the due fulfilment of his contract.

No reason will be assigned for the rejection of any tender.

Samples of the articles to be supplied can be seen at any time, and further particulars known by personal application, at this Office, between the hours of 11 A. M. and 4 P. M.

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 1*st April* 1857.

Notice.

Sealed Tenders will be received by the undersigned for the CONSTRUCTION, by CONTRACT, of the following BUILDINGS in the SATTARA COLLECTORATE:—

An Office for the Electric Telegraph Department, and Out-houses.
An Office for the Collector's Department, and other Accommodations thereto.

2. The Plans of the above are open for inspection at this Office during any hour (on Week-days only) between 10 A. M. and 4 P. M., where all other information about the buildings can also be obtained.

3. Any party or parties willing to undertake the Contract will be required to deposit with his Tender two per cent. of the whole sum estimated for the works, which will be forfeited to Government upon evasion to sign the Contract. The person whose Contract is accepted will be further required to add to his deposit an additional eight per-centage as security for his compliance with the rules in his Contract. The unsuccessful persons will have their deposits returned to them upon application.

4. No security is required from Contractors who prefer to complete the works without advances.

5. Tenders will be received up to the 30th April 1857, and no reasons will be given for the rejection of any of them.

J. SMITH,
Assistant Executive Engineer,
In Charge of Public Buildings.

Office of the Assistant Executive Engineer,
Satara, 14*th March* 1857.

OPIUM MEMORANDUM for the Week ending Tuesday, 7th April 1857.

Years.	Passes granted at Indore			Imported into Bombay			Exported by Sea			Balance.	Detail of Exports from 1st to 7th April 1857.
	Up to 31st Mar. 1857.	From 1st to 7th April 1857.	Total.	Up to 31st Mar. 1857.	From 1st to 7th April 1857.	Lost on the road.	Total.	Up to 31st Mar. 1857.	From 1st to 7th April 1857.	Total.		
For 1854-55 .... Chests.	27,688	..	27,688	27,065¼	..	2¾	27,688	27,660½	..	27,660½	15¾	For the Season 1856-57. Chests.
„ 1855-56 .... „	29,397	..	29,397	29,393½	..	3½	29,397	29,358	..	29,358	1351¼	Per Colia "Culanpursad" 4
„ 1856-57 .... „	15,011	429¼	15,440¼	14,219	103	1	14,323	11,365¼	4	11,369¼	3,053¾	

ALEXANDER GRAY,
Acting Deputy Commissioner of Customs, &c.

Bombay, Custom House, 8*th April* 1857.

General Orders.

MILITARY DEPARTMENT.

BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 1st April 1857.

No. 343 of 1857.—Captain J. W. Bristow, of the 19th Regt. Bengal N. I., Officiating Deputy Commissioner of Leia, is allowed a furlough to Europe on medical certificate, for fifteen months, under the New Furlough Regulations.

Bombay Castle, 3rd April 1857.

No. 344 of 1857.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Government of India, No. 456, dated the 24th ultimo:—

"The Right Honorable the Governor General of India in Council is pleased to make the following appointment:—

Colonel E. Lugard, C.B., Her Majesty's 29th Regiment, Aide-de-Camp to the Queen, Chief of the Staff of the Expeditionary Force in Persia, to be a Brigadier General, with effect from the 12th January 1857.

(Signed) R. J. H. Birch, Colonel,
Secretary to the Govt. of India in the Military Department."

No. 345 of 1857.—Captain T. A. Cowper, of the 22nd Regt. N. I., and Revenue Commissioner for Alienations, is allowed a furlough to Europe for six months, on private affairs, under the New Furlough Regulations.

Bombay Castle, 6th April 1857.

No. 346 of 1857.—Surgeon General J. Don, M.D., is allowed privileged leave of absence for thirty days, from the date of departure from Bombay, on private affairs.

No. 347 of 1857.—The services of Captain Coley, 10th Regt. N. I., Acting Deputy Assistant Adjutant General, are placed at the disposal of His Excellency the Commander in Chief for duty with his Regiment, proceeding on Field Service.

No. 348 of 1857.—Second Corporals M. Vanday and P. Devitt, of the Corps of Sappers and Miners, are transferred to the Town Major's Non-Effective List, for employment in the Department of Public Works, from the 20th March 1857.

Bombay Castle, 7th April 1857.

No 349 of 1857.—Until relieved by Lieutenant Leathes, Lieutenant G. Shaw, of the 3rd Regiment Light Cavalry, has been appointed, as a temporary arrangement, to officiate as Third Assistant to the Political Agent in Kattywar, in addition to his duties as Commanding the Depôt of that Regiment at Rajkote.

No. 350 of 1857.—The following promotions, alterations of rank, and posting are made:—

Regiment of Artillery.

Promotion.

Major (Brevet Lieutenant Colonel) H. W. Trevelyan to be Lieutenant Colonel, from the 3rd January 1857, vice Lieutenant Colonel (Brevet Colonel) W. Brett, retired.

Alterations of Rank.

Major (Brevet Lieutenant Colonel) T. W. Hicks, Captain R. H. Keatinge, Lieutenant F. F. Sheppee, and Second Lieutenant J. T. Leishman, to rank from the 3rd January 1857, in succession to Major (Brevet Colonel) H. W. Trevelyan, promoted.

Promotions.

Captain (Brevet Major) H. Forster to be Major, First Lieutenant J. McKenna to be Captain, and Second Lieutenant W. F. Stevenson to be First Lieutenant, from the 12th January 1857, in succession to Major (Brevet Lieutenant Colonel) W. T. Whitlie, C.B., deceased.

Posting.

Rank and Name.	*Regimental Rank.*
Second Lieutenant Charles Percy Theobald	*12th January 1857.*

15th Regiment N. I.

Lieutenant W. C. Stileman to be Captain of a Company, and Ensign A. J. Doig to be Lieutenant, from the 1st February 1857, in succession to Captain G. R. Remington, retired.

No. 351 of 1857.—The following Orders are confirmed:—

Dated 20th August 1856.—By Brevet Colonel Macan, directing Lieutenant Lloyd, of the Artillery, to continue to perform the duties of Interpreter to the 14th Regt. N. I., vice Captain Weston.

Dated 2nd February 1857.—By Major Rolland, appointing Ensign Innes to act as Interpreter to the 27th Regt. N. I., vice Lieutenant Stubbs.

Dated 1st March 1857.—By Captain Baugh, directing Surgeon Dent, Garrison Surgeon at Surat, to receive medical charge of the 9th Regt. N. I., Detachment 2nd Company 3rd Battalion Artillery, and Staff and Details of that Station, on the departure of Assistant Surgeon Harris from Surat.

Dated 10th March 1857.—By the Senior Officer in charge Head Quarters 3rd Battalion Artillery, appointing Lieutenant and Adjutant Beamish to receive charge of the Office of the Quartermaster of the Battalion from Lieutenant Napier, during the time the latter Officer may hold the appointment of Commissariat Agent and Superintendent of Bazars at Ahmedabad.

Dated 11th March 1857.—By Lieutenant Mark, appointing Lieutenant Barton, Adjutant of the 1st Battalion Artillery, to act as Director of the Artillery Depôt of Instruction, in addition to his own duties, on the departure of the former Officer from that Station.

Dated 11th March 1857.—By Captain Groube, appointing Lieutenant Cousens to act as Adjutant to the 13th Regt. N. I., during such time as Lieutenant Cooper may be in Command of the Regiment, or until further orders.

Dated 12th March 1857.—By Lieutenant Colonel Foulerton, appointing Captain Soppitt, in the absence of a qualified Subaltern available for the duty, to act as Adjutant to the 12th Regt. N. I., from the 13th idem, vice Lieutenant Leathes.

Dated 15th March 1857.—By Lieutenant Colonel Lucas, appointing Lieutenant Napier, of the 3rd Battalion Artillery, to act as Line Adjutant at Ahmedabad, vice Lieutenant Jameson.

Dated 16th March 1857.—By Brigadier Creagh, appointing Lieutenant Swanson, of the 2nd Troop Horse Artillery, to act as Interpreter to the 12th Regt. N. I., vice Lieutenant Leathes.

Dated 17th March 1857.—By Brigadier Morris, appointing Captain Carnegy, Acting Brigade Major, to receive charge of the Commissariat and Bazar Departments at Hyderabad, from the 18th idem, on the departure of Captain W. M. Leckie from that Station.

Dated 25th March 1857.—By Brevet Colonel Stuart, appointing Lieutenant Donne, of the 3rd European Regiment, to act as Interpreter to the 6th Regt. N. I., vice Captain Champion.

Bombay Castle, 8th April 1857.

No. 352 of 1857.—The following Order is confirmed :—

Dated 15th November 1857.—By Major General Scott, C.B., authorising the Officer Commanding 2nd Belooch Battalion to entertain four Hand Bheesties, in excess of the present number, to complete the Battalion to one per Company while on Foreign Service, with effect from the 1st idem.

No. 353 of 1857.—The following promotions and appointments are made :—

Corps.	Rank and Names.	To what Rank promoted.	From what Date.	In whose Room.
3rd Regiment Light Cavalry.	Jemedar Narojee Chowan	Subedar	26th Mar. 1857.	Maha Nund, pensioned.
	Havildar Jalum Sing	Jemedar	Ditto ..	
Sappers and Miners	Subedar Raj Geer	Subedar Major..	Ditto ..	Subedar Major Fazil Khan, pensioned.
	Jemedar Oomia	Subedar	Ditto ..	
	Havildar Kondajee	Jemedar	Ditto ..	

No. 354 of 1857.—Mr. Arthur Kelsey is admitted to the Service, in conformity with his appointment by the Honorable the Court of Directors, as an Assistant Surgeon on this Establishment. His rank has already been settled by G. G. O. No. 211, of the 21st February last. Date of arrival at Bombay 30th March 1857.

No. 355 of 1857.—With reference to G. O. No. 339, dated the 31st ultimo, Veterinary Surgeon E. Battersbee, of the 2nd Regt. Light Cavalry, is permitted to retire from the Honorable Company's Service from the 30th April, instead of the 31st March.

No. 356 of 1857.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Right Honorable the Governor General of India in Council, dated Fort William, 24th March 1857, No. 446 :—

" The following extracts from the *London Gazette* of the 2nd, 27th, and 30th January 1857, are published for general information :—

'*War Department, 2nd January* 1857.

The Queen has been graciously pleased to give orders for the following appointments to the Most Honorable Order of the Bath :—

To be Ordinary Members of the Military Division of the 2nd Class or Knights Commanders of the said Most Honorable Order, viz :

Lieutenant General George Petre Wymer, C.B., of the Bengal Army.
Lieutenant General Patrick Grant, C.B., of the Bengal Army.'

'*War Department, 2nd January* 1857.

BREVET.

To be Major in the Army.

Captain Charles Thomas Edward Hinde, 65th Regiment Bengal Native Infantry. Dated 24th November 1856.'

'*War Department, 30th January* 1857.

Captain William Henry Rodes Green, 19th Regiment Bombay Native Infantry, to be Major in the Army. Dated 24th November 1856.'

(Signed) R. J. H. BIRCH, Colonel,
Secretary to the Govt. of India in the Military Department."

No. 357 of 1857.—Assistant Surgeon R. C. Thorp is relieved from service in the Indian Navy, and placed at the disposal of His Excellency the Commander in Chief for Military duty.

By order of the Right Honorable the Governor in Council,
P. M. MELVILL, Colonel,
Secretary to Government.

MARINE DEPARTMENT.

Bombay Castle, 2nd April 1857.

No. 64 of 1857.—The following temporary arrangements and appointments are confirmed :—

By Rear Admiral Sir H. J. Leeke, K.H., R. N., Commander in Chief of the Indian Navy.

Messrs. W. Collingwood, Provisional Mate, and T. L. Seaton, Passed Midshipman, of the "Acbar," to be Transport Agents, from the 7th March 1857, the former to proceed in the Ship "Queen of the North," and the latter in the Steamer "Aden."

Mr. T. Atkins, Acting Master, of the "Berenice," to reside sick on shore at the Sanitarium, for the benefit of his health, on the 2nd March 1857.

Commander H. Grounds having returned from England, to resume the duties of Gunnery Officer at Butcher's Island, from the 20th March 1857, vice Lieutenant Holt.

Bombay Castle, 6th April 1857.

No. 65 of 1857.—Commander A. H. Gardner, Indian Navy, is allowed a furlough to Europe on medical certificate, for eighteen months, under the New Furlough Regulations.

Bombay Castle, 8th April 1857.

No. 66 of 1857.—George Munro, Burjorjee Byramjee, George Pitchers, and Hormusjee Framjee, Journeyman Apprentices, are promoted to the Grade of 4th Class Country-trained Engineers, from the 13th December last.

No. 67 of 1857.—The Right Honorable the Governor in Council is pleased to direct the publication of the following rule in regard to the pay of Seamen suffering imprisonment :—

A Seaman of the Indian Navy, imprisoned in the House of Correction, the County Jail, or any other place of confinement, by sentence of a Court Martial, or of any Civil Court, or Magistrate, shall, for the period of such imprisonment, suffer the forfeiture of his pay, and be entitled to only the subsistence or other authorised prison allowances ; but Seamen imprisoned for trial, and acquitted, shall be entitled to the balance of their pay after deducting prison charges, and the period in jail shall be reckoned as service. This Order is to have effect from this date, and to apply to all grades of the Indian Navy below, and inclusive of, Warrant Officers, Gunners, Boatswains, and Carpenters.

No. 68 of 1857.—Assistant Surgeon R. C. Thorp is relieved from service in the Indian Navy, and placed at the disposal of His Excellency the Commander in Chief for Military duty.

By order of the Right Honorable the Governor in Council,
P. M. MELVILL, Colonel,
Secretary to Government.

Civil Appointments, &c.

JUDICIAL DEPARTMENT.

Bombay Castle, 2nd April 1857.

Mr. H. B. Lockett, Judicial Assistant at Sattara, is allowed leave of absence for fifteen months, from the 3rd April 1857, to proceed to Europe on medical certificate, under Section VI. of the Absentee Regulations.

Bombay Castle, 4th April 1857.

Under the provisions of Act IV. of 1851, Mr. D. C. R. Leighton, First Assistant Magistrate of Poona, is vested with the full powers of a Magistrate in that Collectorate, with the exception of the powers of flogging and review.

Bombay Castle, 7th April 1857.

Mr. R. F. Mactier, Senior Assistant Judge of Surat, for the detached Station of Broach, is allowed leave of absence for one month from the 25th instant, under Section XII. of the Absentee Rules.

Bombay Castle, 8th April 1857.

Mr. C. J. Erskine, Acting Session Judge of the Konkun, left the Sudder Station, on circuit to the detached Station of Rutnagherry, on the 30th ultimo.

The Honorable the Court of Directors have been pleased to permit Mr. C. H. Cameron, of the Bombay Civil Service, to return to his duty, without prejudice to his rank.

By order of the Right Honorable the Governor in Council,
H. L. ANDERSON, *Secretary to Government.*

TERRITORIAL DEPARTMENT,

REVENUE.

Bombay Castle, 3rd April 1857.

Mr. E. Hearn, Sub-Assistant Superintendent Poona and Tanna Revenue Survey, has been allowed an extension, till the 31st May 1857, of the leave of absence, on medical certificate, granted to him on the 17th December 1856.

Bombay Castle, 4th April 1857.

Mr. A. Gray, Acting Deputy Commissioner of Customs, Salt, and Opium, Presidency Division, assumed charge of his duties on the 28th March 1857.

The undermentioned Gentlemen are placed under the Revenue Commissioner for Alienations, for employment on duties connected with the Guzerat Alienation inquiry :—

Mr. Mahadow Row Nursing.
Mr. Eduljee Rustomjee.

The following appointments are made :—

Mr. Gopal Row Hurree Deshmook to be an Assistant to the Inam Commissioner, Northern Division.

Messrs. Rungrow Bheemajee, Pestonjee Jehangeer, and John Anding, to be Sub-Assistant Inam Commissioners.

Bombay Castle, 6th April 1857.

Mr. A. A. C. Jervoise, Civil Service, is placed under the Collector of Tanna, for the purpose of prosecuting his studies in the Murathee language.

Bombay Castle, 8th April 1857.

Mr. J. C. Whitecombe to be a Supernumerary Sub-Assistant to the Superintendent of the Revenue Survey and Assessment in Khandeish.

Captain R. Cowpar, Deputy Collector of Hyderabad in Sind, is allowed privilege leave of absence, for one month, under the New Furlough Rules, to proceed to the Presidency on private affairs.

Mr. F. D. Melvill, of the Civil Service, is appointed Supernumerary Third Assistant to the Collector and Magistrate of Dharwar.

Rao Bahadoor Moro Gopal, Dufterdar to the Collector of Belgaum, has been allowed leave of absence, for one month, under Section VI. of the Uncovenanted Service Absentee Rules.

Mr. R. H. Showell having returned from the furlough to Europe granted him on the 15th April 1856, is permitted to resume his duties as Deputy Collector and Magistrate of Tanna on the 18th instant.

The Collector of Khandeish is allowed to remain in the Districts of his Collectorate, on general duty, for a further period of four months.

TERRITORIAL DEPARTMENT,

FINANCE.

Bombay Castle, 6th April 1857.

Captain W. F. Marriott is appointed to officiate as Mint Master and Mint Engineer, Bombay, from the date of Captain Burke's departure on furlough to England, pending the arrival from Sind of Lieutenant Colonel Turner, who has been appointed Acting Mint Master and Mint Engineer.

By order of the Right Honorable the Governor in Council,
H. YOUNG, *Chief Secretary.*

GENERAL DEPARTMENT.

Bombay Castle, 7th April 1857.

Mr. H. Young, Chief Secretary to Government, is allowed leave of absence to proceed to Europe on private affairs, for six months, from the 28th April 1857, under Section XIV. of the Civil Absentee Rules.

The Right Honorable the Governor in Council has appointed Mr. J. D. Inverarity to act as Chief Secretary to Government during the absence, on leave to Europe, of Mr. H. Young.

Bombay Castle, 8th April 1857.

The services of Captain J. F. Lester, 10th Regt. N. I., Acting Educational Inspector Deccan Division, are placed temporarily at the disposal of His Excellency the Commander in Chief, for duty with his Regiment, proceeding on Field Service.

The following promotions are made in the Civil Service :—

From the 10th January 1857.

Mr. G. B. S. Karr.....
Mr, C. E. F. Tytler..... } From the Third to the Second Class.

From the 8th March 1857.

Mr. F. S. Chapman.....
The Hon'ble G. A. Hobart.....
Mr. R. White.....
Mr. C. Walter.....
Mr. H. B. Boswell..... } From the Fifth to the Fourth Class.

From the 23rd February 1857.

Mr. T. C. Hope.....
Mr. N. B. Erskine.....
Mr. J. G. White.....
Mr. F. F. Arbuthnot.....
Mr. R. Phillipps..... } From the Sixth to the Fifth Class.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 8th April 1857.

With reference to the Government General Order in the Military Department No. 348, of the 6th April 1857, Second Corporals M. Vanday and P. Devitt, of the Corps of Sappers and Miners, are appointed Supernumerary Assistant Overseers in the Department of Public Works from the 20th March 1857.

By order of the Right Honorable the Governor in Council,
W. HART, *Secretary to Government.*

SUDDER DEWANEE ADAWLUT.

The Judges of the Sudder Dewanee Adawlut have issued a Sunnud to Balacharee Wittullacharee, authorising him to practise as a Vakeel in the Courts of the Dharwar Zillah.

By order of the Sudder Dewanee Adawlut,
Bombay, Sudder Dewanee Adawlut, 3rd April 1857. M. A. COXON, Registrar.

JUDICIAL DEPARTMENT.

With reference to the Notification in the *Government Gazette* of the 2nd instant, page 1167, the Right Honorable the Governor in Council is pleased to notify that the COURT of the MOONSIFF of YAWUL, in the Khandeish Zillah, will be CLOSED, instead of that of JAMNAIR.

By order of the Right Hon'ble the Governor in Council,
H. L. ANDERSON,
Secretary to Government.
Bombay Castle, 8th April 1857.

JUDICIAL DEPARTMENT.

Under the provisions of Regulation VI. of 1834, the Judges of the Sudder Dewanee Adawlut have sanctioned the CLOSING of the CIVIL COURTS of the AHMEDNUGGUR ZILLAH for six weeks, from the 20th instant.

By order of the Right Hon'ble the Governor in Council,
H. L. ANDERSON,
Secretary to Government.
Bombay Castle, 8th April 1857.

JUDICIAL DEPARTMENT.

Under the provisions of Regulation VI. of 1834, the Judges of the Sudder Dewanee Adawlut have sanctioned the CLOSING of the following COURTS in the POONA ZILLAH for six weeks, from the 15th instant:—

Court of the Judge and Agent.
Court of the Assistant Judge and Agent.
Court of the Moonsiff of Poona, Azim Chintoo Wassodeo.
Court of the Moonsiff at Baramuttee.

By order of the Right Hon'ble the Governor in Council,
H. L. ANDERSON,
Secretary to Government.
Bombay Castle, 7th April 1857.

JUDICIAL DEPARTMENT.

Under the provisions of Regulation VI. of 1834, the Judges of the Sudder Dewanee Adawlut have sanctioned the CLOSING, for six weeks from the 15th instant, of the following CIVIL COURTS of the TANNA DIVISION of the KONKUN ZILLAH:—

Court of the Principal Sudder Ameen.
Court of the Moonsiff of Kallian.
Court of the Moonsiff of Bhewndy.
Court of the Moonsiff of Bassein.
Court of the Moonsiff of Dahnoo.
Court of the Moonsiff of Oorun.
Court of the Moonsiff of Moorbar.
Court of the Moonsiff of Tanna.

By order of the Right Hon'ble the Governor in Council,
H. L. ANDERSON,
Secretary to Government.
Bombay Castle, 7th April 1857.

Advertisement.

JUDICIAL DEPARTMENT.

Messrs. THACKER and Co. have FOR SALE, on account of Government, at One Rupee per Copy, COPIES of the REPORTS of CASES DECIDED by the SUDDER FOUJDAREE ADAWLUT during the Month of January last.

By order of the Right Hon'ble the Governor in Council,
H. L. ANDERSON,
Secretary to Government.
Bombay Castle, 8th April 1857.

MEDICAL DEPARTMENT, CIVIL.

No. 46 of 1857.—First Grade Apprentices Hurree Mussul, Charitable Dispensary, Bandora, and Ram Churrun, Civil Hospital, Kolapore, are directed to exchange appointments.

By order of the Medical Board,
W. C. COLES, M.D., Assist. Surg.,
Acting Secretary Medical Board.
Bombay, Medical Board Office, 6th April 1857.

The following Draft of Bye-Laws for the Inspection and Management of Slaughter-Houses, submitted by the Municipal Commissioners for the approval of the Governor in Council, is published for public information, agreeably to the provisions of Section 118 of Act XIV. of 1856:—

BYE-LAWS FOR THE INSPECTION AND MANAGEMENT OF SLAUGHTER-HOUSES, made by the Municipal Commissioners for the Town of Bombay under authority of Section 96 of Act XIV. of 1856.

I. All public Slaughter-houses, as well as such as may be registered under Section 91, and licensed under Section 93 of Act XIV. of 1856, shall be under the entire control of the Inspector of Slaughter-houses, who may, with his Establishment, enter and inspect the same.

II. All cattle, sheep, or other animal intended to be slaughtered in any such Slaughter-house, shall be brought into the yards, or upon the premises thereof, by half-past five o'clock in the evening from the 1st of October to the 28th of February, and by six o'clock from the 1st of March to the 30th of September, for examination by the Inspector or his Overseers.

III. If any cattle, or other animals brought to the Slaughter-houses for slaughter, appear to the Inspector or his Overseers to be with young, diseased, or in such condition as to render the carcasses unfit for the food of man, it shall be

lawful for the Inspector or his Overseers to reject them as animals for slaughter.

IV. The slaughtering of cattle or animals in such Slaughter-houses may commence in the evening, immediately after inspection, and shall conclude at ten o'clock at night, and again from four till nine o'clock in the morning; and every person who shall slaughter cattle or animals in such Slaughter-houses which shall not have been inspected as required by Article II. of these Bye-Laws, shall, for every animal so slaughtered, be liable to a fine not exceeding ten Rupees; provided that, in cases of public emergency, the Inspector may allow slaughtering at times other than those above defined.

V. No animals but those intended for inspection, pursuant to immediate slaughter, will be admitted on the premises of any Slaughter-house.

VI. The Inspector shall place in every Slaughter-house, registered or licensed as aforesaid, a Peon, whose duty it shall be to preserve order and regularity therein, and to report all irregularities to the Inspector; and the expense of such Peon shall be paid by the Proprietor of the Slaughter-house, which expense, in default of payment, may be recovered as a fine.

VII. Whoever being the Proprietor or Farmer of any Slaughter-house, registered or licensed as aforesaid, shall cause the same to be cleansed and regulated in such manner as may be required by the Inspector; and any such Proprietor or Lessee wilfully disobeying the instructions of the Inspector, or allowing his Slaughter-house to become filthy or unwholesome, shall be liable to the penalties authorised by Section 116 of Act XIV. of 1856 to be inflicted for a breach of these Bye-Laws.

VIII. Whoever obstructs the Inspector, his Overseers, or Establishment, in the due execution of their duties in connection with any Slaughter-house, or who shall give or offer to them any money or thing whatsoever as a bribe, to induce them to act inconsistent with their duties, shall be liable to pay a fine of twenty Rupees; and any Inspector, Overseer, or other person receiving any such bribe shall be liable to a like penalty.

C. DURHAM,
Offg. Clerk to the Board of Conservancy.

Bombay, 31st March 1857.

BANK OF BOMBAY.

DISCOUNT.

On Government Bills.....	4 per cent.
On Private Bills at or within 3 Months	7 ditto.

INTEREST.

On Fixed Loans on Government Notes and Railway Shares..	5 per cent.
On Open Loans on ditto.....	6 ditto.
On Cash Credit Accounts	6 ditto.
On Loans on Security of Goods..	7 ditto.

Bills payable within one month are discounted under the above rate, and Discount at 3 per cent. under the rate charged will be refunded on all Bills paid before maturity, for the unexpired portion of the time such Bills may have to run.

The Rate of Advance on deposit of 5 per Cent. Government Notes is 95 per cent., on 4 per Cent. Notes 80 per cent., on Railway Shares *three-fourths* the paid-up value of the Shares, and on Goods *three-fourths* the approved value.

Loans on Goods, &c.

Advances are granted on the security of Goods not of a perishable nature, deposited in private Godowns situated either in the Fort, or in Grant Buildings, Colaba.

Government Agency.

The Bank undertakes the safe custody of Government Securities, Bank Shares, and other Indian Stock Certificates; also the purchase or sale of the same, and realises the Interest and Dividends as they become due; and is also authorised to transact the business hitherto carried on by the Government Agents for the public Creditors of Government and others, and to remit the interest, dividends, and principal by *Bills of Exchange payable in England* to Constituents, Shareholders, and others, whether resident in Europe or elsewhere.

By order of the Board of Directors,
JOHN STUART,
Secretary and Treasurer.

Bank of Bombay, 2nd April 1857.

In the Court for the Relief of Insolvent Debtors, Bombay.

In the Matter of the Petition of NOWROJEE BYRAMJEE *and* SORABJEE BYRAMJEE, *Insolvents.*

Notice is hereby given, that an application will be made to the Insolvent Debtors' Court, by the above named Insolvents, on Monday the Twentieth day of April instant, for leave to withdraw their said Petition filed in this Honorable Court, and all Proceedings had thereon. Any Creditor wishing to oppose such application must give notice thereof to me, at my Office, at least three days before the day of Hearing, and must attend in Court to oppose the said application on the Twentieth day of April instant.

J. A. McKENZIE,
Clerk of the Court,
By W. BROOKFIELD.

Clerk of the Court's Office, Fort, Bombay, this 7th day of April 1857.

મુંબઇની નાદાર દેવાદારોના છુટકા કરનારી કોરટ મધે.

નવરોજજી બેરામજી તથા શોરાબજી બેહેરામજી
નાદારોની અરજીની બાબતમાં.

તમોને એથીપરથી ખબર પોચે જે ઉપર કહેલા નાદાર દેવાદારેએ લાહ લેવાની આ નામદાર કોરટમાં અરજી દાખલ કરી છે તે તથા તેને લાગતા વલગતા રાખે કાગલો પાછા લેવાસારૂ રજા માગવાને વારાતે આ નાદાર દેવાદારની કોરટને ચાલતા અપરેલ મહિનાની તારીખ વીશ મીને સોમવારે અરજી કરવાના છે વારાતે તે અરજને આડા આવાની કોઈ લેણદારની ઇછા હોય તો તેની ખબર હમારી હાજીરામાં છાડણ થવાના ઓછામાં ઓછા દાડા ત્રણ અગાઉ હમને આપવી અને આવતા અપરેલ મહિનાની તારીખ વીશમીએ કોરટમાં તે અરજીને અટકાવ કરવાને હાજર થવું.

જે. એ. મેકનજી, કોરટના કલારકની વતી
વ. બુરકરીલડ.

કોરટના કલારકની હાજીરામાં મુંબાઇના કોટમધે
તારીખ ૭મી અપરેલ સન ૧૮૫૭.

(A true Translation)
NARAYAN DINANATHJEE,
Acting Chief Translator.

MILITARY

ARRIVALS AND DEPARTURES.

1857 ARRIVALS.

31st Mar.—Assistant Surgeon J. Kearney, 2nd Battalion Artillery, on duty, from Poona.

1st Apr.—Lieutenant S. Y. Howison, 12th Regt. N. I., from leave, from Mahableshwur.

2nd „ Lieutenant R. T. Clarke, 24th Regt. N. I., on duty, from Ahmednuggur.

„ „ Lieutenant J. Currie, 15th Regt. N. I., on sick leave, from Upper Sind.

„ „ Captain C. Hodgkinson, 28th Regt. N. I., on sick leave, from Dharwar.

3rd „ Lieutenant S. Scott, 9th Regt. N. I., on sick leave, from Tanna.

„ „ Captain J. P. Sandwith, 1st Grenadiers, on duty to Sind, from Baroda.

„ „ Captain J. C. Coley, 10th Regt. N. I, on duty, from Poona.

4th „ Captain J. H. Henderson, 29th Regt. N. I., on duty, from Belgaum.

„ „ Lieutenant A. Phillips, 29th Regt. N. I., on leave, from Rutnagherry.

„ „ Captain W. Leckie, 13th Regt. N. I., on duty, from Hyderabad (Sind).

„ „ Assistant Surgeon J. L. Remington, 13th Regt. N. I., on sick certificate, from Hyderabad (Sind).

„ „ Lieutenant Colonel J. Clarke, 25th Bengal N. I., on leave, from Lahore.

6th „ Lieutenant A. J. Freese, 6th Madras Light Cavalry, on leave, from Trichinopoly.

„ „ Lieutenant D. J. Kinloch, Artillery, to rejoin, from England.

„ „ Captain J. MacGrigor, 21st Regt. N. I., to rejoin, from England.

„ „ Cadet C. F. James, Infantry, to join, from England.

„ „ Cadet H. B. Edwards, Infantry, to join, from England.

„ „ Cadet C. Wodehouse, Infantry, to join, from England.

„ „ Cadet C. P. Newport, Infantry, to join, from England.

„ „ Cadet W. H. Yates, Infantry, to join, from England.

„ „ Cadet E. T. Willaum, Infantry, to join, from England.

„ „ Lieutenant R. Pittman, Artillery, to join, from England.

„ „ Cadet T. H. Moore, Artillery, to join, from England.

„ „ Assistant Surgeon Lalor, Medical Establishment, to join, from England.

„ „ Lieutenant J. C. Farquharson, 2nd Regt. Light Cavalry, to rejoin, from England.

„ „ Captain H. Heyman, 15th Regt. N. I., to rejoin, from England.

„ „ Major J. C. Bate, 11th Regt. N. I., to rejoin, from England.

„ „ Captain T. W. Clagett, Hyderabad Contingent, on medical certificate, from Mominabad.

„ „ Lieutenant Dangerfield, 1st Madras Fusiliers, to join, from Madras.

„ „ Captain C. S. Elliott, 1st Madras Fusiliers, to join, from Madras.

7th „ Lieutenant R. J. Hotchkis, 12th Regt. N. I., on duty, from Poona.

„ „ Veterinary Surgeon T. P. Page, 1st Bengal Cavalry, on medical certificate, from Mhow.

8th „ Captain J. H. Smith, Bengal Horse Artillery, on leave, from Punjaub.

„ „ Lieutenant G. S. Gordon, Bengal Horse Artillery, on medical certificate, from Mooltan.

1857 DEPARTURES.

1st April.—Lieutenant H. H. Elliot, Staff, on duty, to Oolwa.

2nd „ Lieutenant Colonel J. C. Heath, 5th Regt. N. I., on leave, to Mahableshwur.

„ „ Major A. R. Haselwood, Staff, on leave, to Mahableshwur.

3rd April.—Lieutenant A. R. Mark, Artillery, on medical certificate, to Europe.

„ „ Lieutenant Smith, Madras Horse Artillery, on medical certificate, to Europe.

„ „ Lieutenant Colonel J. R. Keilly, Political Superintendent, on medical certificate, to Europe.

„ „ Captain G. Hare, Madras Army, on furlough, to Europe.

„ „ Captain A. G. Davidson, 29th Madras N. I., on medical certificate, to Europe.

6th „ Capt. Sandwith, Deputy Collector, on duty, to Sind.

„ „ Major T. Eyre, 3rd Light Cavalry, on leave, to Guzerat.

7th „ Captain J. H. Henderson, 29th Regt. N. I., on duty, to Kurrachee.

8th „ Captain A. N. Scott, Madras Artillery, to join, to Secunderabad.

Bombay, Town Major's Office,
8th April 1857.

LONDON & EASTERN BANKING CORPORATION.

BOMBAY BRANCH.

INTEREST

On Current Accounts (or sums over Rs. 500 and not exceeding Rs. 25,000) ..... 2 per cent.
On deposits for 15 days, and thereafter requiring 15 days' notice previous to withdrawal ..... 3 per cent.
On deposits payable at call, subject to a Commission of ½ per cent. on all sums withdrawn ..... 4½ per cent.

For money deposited on the following terms, Bank Post Bills will be given:—

On Deposits for 1 month ..... 3 per cent.
2 months ..... 3½ „
3 do. ..... 4½ „
6 do. ..... 5 „
12 do. ..... 6 „

The Bank does not reserve the right of paying off deposits till the expiry of the term for which they have been received.

Deposits may be withdrawn without the usual notice if taken in the Bank's Bills on London at the advertised rates of the day.

EXCHANGE.

Bills on	London at 6 months' sight	.....	2s. 1d.	per Rupee.
„	3 „	.....	2s. 0⅞d.	„
„	2 „	.....	2s. 0¾d.	„
„	1 „	.....	2s. 0⅝d.	„
„	1 day's „	.....	2s. 0½d.	„
Bills on	Scotland at 30 days' „	.....	2s. 0⅞d.	„
„	1 day's „	.....	2s. 0½d.	„
Bills on	Ireland at 1 day's „	.....	2s. 0½d.	„

For the convenience of parties not resident in Bombay, the Corporation undertakes to remit to Europe, *by its own Drafts*, at the current Exchange, and without any charge for Commission, on receiving the equivalent.

COMMISSION.

On the Purchase or Sale of Government or other Securities ..... } *One-Quarter per Cent.*
On the Collection of Foreign Bills, &c. ..... }
On realising Interest or Dividends ..... }

If the funds realised on account of Constituents are to be remitted in Bills of the Corporation, no Commission will be charged.

The Bank undertakes the custody of Government Paper, Bank Shares, and other Securities for *Constituents* without charge.

The Bank grants Drafts on Calcutta, Agra, Simla, Delhi, &c.

No. 5, Forbes Street, Bombay, 8th April 1857.

At the Bombay Education Society's Press.

MACHINE RULING

To ANY PATTERN in RED, BLUE, and BLACK INKS.

*** By this Process all Kinds of ACCOUNT BOOKS, LEDGERS, FAINT BLUE LINES, &c. &c. are ruled without disturbing the smooth surface of Writing Papers.

ALSO,

BOOK BINDING,

OF THE BEST QUALITY,

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RUSSIA, MOROCCO, AND FANCY CALF LEATHER,

As well as all other kinds of Binding.

Great care is taken in arranging the Plates, also in lettering the Titles of Books.

MAPS SKILFULLY MOUNTED ON CLOTH.

☞ The above Branches are personally conducted and overlooked by a skilled EUROPEAN BINDER.

ORIENTAL BANK CORPORATION.

Bombay Agency.

EXCHANGE.

THE CORPORATION grants Drafts on London on Demand and at from one day to six months' sight, and Drafts on Scotland and Ireland on Demand, also Circular Notes negotiable in Egypt, Syria, the Continent of Europe, New York, the West Indies, New South Wales, and the Cape of Good Hope.

The current rates of Exchange are:—

On London at 6 months' sight	2*s.*	1 1/4*d.* per Rupee.
,, ,, 3 ,, ,, ...	2*s.*	1 1/4*d.* ,,
,, ,, 2 ,, ,, ...	2*s.*	1*d.* ,,
,, ,, 1 ,, ,, ...	2*s.*	0 3/4*d.* ,,
,, ,, 1 day's sight		
On Scotland on demand.....	2*s.*	0 3/4*d.* ,,
On Ireland ,, ...		
Circular Notes ,, ...	2*s.*	0 1/4*d.* ,,
On Paris at 3 days' sight		

No Draft at six months' sight is granted for sums under £50. Sums under £20 are only drawn for on Demand.

COMMISSION.

The rate of Commission charged by this Agency, on the purchase or sale of Government Securities negotiable in Bombay is one-quarter per cent. on the amount invested or realized, and on the collection of Bills one per cent. and Postage.

The Corporation takes charge of Government Paper, Shares in the Bank of Bombay, and other local Stocks, free of all charges, and will draw Interest and Dividends on the same as they fall due, on the following terms:—

If to be remitted through the Corporation....	Without charge.
If to be paid in India, a Commission will be charged of.....	1/4 per cent.
On returning Government Paper out of safe custody	1/4 per cent.
Hours of Business	10 to 4
Saturdays	10 to 1

Bombay, 8th April 1857.

NOTICE is hereby given, that the Co-partnership carried on for some time past at Bombay and elsewhere by JOHN TREACHER and JOHN SPARKS, under the FIRM of TREACHER and Co., was, on the 31st day of January last, dissolved by mutual consent. The business will in future be carried on under the FIRM of TREACHER & Co., by Mr. JOHN TREACHER, who is empowered to discharge and settle all Debts due to and by the said co-partnership concern. All persons indebted to the late FIRM are respectfully requested to make arrangements for the speedy payment of their DEBTS.—*Dated the 7th day of February* 1857.

JOHN TREACHER.
JOHN SPARKS.

INDIA AND LONDON LIFE ASSURANCE COMPANY.

THE Scales of Premiums of this Company are now greatly reduced, and the Lives of healthy persons, Civil or Military, in any part of the World, are assured at as low rates of Premium as can be taken consistently with perfect security.

Extract from the Tables of Annual Premiums required for an Assurance of Rs. 1,000, *or* £100, *at the Reduced Rates.*

Age.	CIVILIANS. One year.	CIVILIANS. Seven years.	CIVILIANS. Whole life.	MILITARY AND NAVAL. One year.	MILITARY AND NAVAL. Seven years.	MILITARY AND NAVAL. Whole life.
	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.
18	18	20	27	24	26	32
25	22	23	31	28	29	36
30	25	26	34	31	32	39
35	28	30	38	34	36	43
40	31	33	43	37	39	47
45	35	37	48	41	43	52

Prospectuses and every requisite information obtained on application to the Agents of the Company.

GREY & Co.

By Authority.

Will be published on or about the 13th instant.

THE

BOMBAY ARMY LIST,

FOR THE SECOND QUARTER OF 1857,

WITH

A LIST OF SERVICES OF THE OFFICERS OF THE BOMBAY ARMY,

CORRECTED UP TO THE 1ST OF APRIL 1857;

COMPRISING ALSO THE

HYDRABAD CONTINGENT LIST,

THE

INDIAN NAVY LIST,

AND THE

BOMBAY CIVIL LIST,

INCLUDING THE

ECCLESIASTICAL ESTABLISHMENT.

PRICE, Rs. 2 1/2

BOMBAY EDUCATION SOCIETY'S PRESS, *April 9th*, 1857.

Printed for Government, by JOHN FIRTH, at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

Post Office Notifications.

OVERLAND MAIL.

The Overland Mail, per P. & O. Company's Steamer, will be closed on THURSDAY, the 16th instant, at 6 o'clock P. M.

An After-Packet will be kept open, on payment of the usual fee, until two hours before the Steamer is advertised to leave the Harbour.

Letters for the United Kingdom, directed *viâ* Marseilles or *viâ* Southampton, may be prepaid or not, at the option of the sender.

The Inland and Steam Postage on Letters for Foreign Europe, *viâ* Trieste, as well as for places in the Mediterranean, Egypt, and Suez, remains unaltered: eight annas per ½ oz., with Inland Postage, must be prepaid as heretofore.

Letters for the United Kingdom, and for places in the Mediterranean, if insufficiently paid by Stamps, will be forwarded to London *viâ* Southampton.

Post Office Packets for CEYLON, PENANG, SINGAPORE, and HONGKONG, per P. & O. Company's Steamer "PEKIN," will be closed on THURSDAY, the 16th instant, at 6 P. M.; an After-Packet being kept open, on payment of the usual fee, until two hours before the Steamer is advertised to leave the Harbour.

Post Office Packets for KURRACHEE and SCINDE, per Bombay Steam Navigation Company's Steamer, will be closed 12 hours after the arrival of the next Overland Mail.

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 8th April 1857.

SHIP LETTERS.

The Ship Letter Office will despatch Letters, under the usual Regulations, by any of the following Ships.

N.B.—The Post Office takes every means in its power to ascertain the exact date on which the vessels enumerated below will leave the Harbour, but it cannot in any way guarantee their departure on the days mentioned in this List.

NAMES OF VESSELS.	AGENTS' NAMES.	DATE OF INTENDED DEPARTURE.	TO WHAT PORT.	WHERE TOUCHING.
A Steamer	P. & O. Steam Navigation Company	17th April	Suez	Aden.
Norna	Ditto ditto	17th „	Hongkong	Galle and the Straits.
A Steamer	.....	12 hours after the arrival of the Overland Mail	Kurrachee.	
Lady Octavia	Messrs. Ritchie, Steuart, & Co.	9th April	Liverpool.	
Hilton	„ Dirom, Hunter, & Co.	11th do.	Do.	
Louis Napoleon	„ Vinay, Fils, & Co.	15th do.	Marseilles.	

As a general rule, the Packets for sailing vessels will be closed the evening preceding the date of departure.

LIST OF PACKETS MADE UP during the last Week at the Bombay Post Office, for despatch by the following Vessels:—

NAMES OF VESSELS.	DATE OF DESPATCH.	TO WHAT PORT.
Singapore	3rd April	Aden.
Oriental	4th „	Bushire.
Carnac	5th „	Surat.
Elphinstone	7th „	Bushire.

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 8th April 1857.

NOTICE.

Post Office Mails for the Mauritius will be despatched to Aden (whence they are to be conveyed by the Mauritius Contract Steamers) with the Overland Mail leaving Bombay at the beginning of every month.

British Packet Postage must be prepaid on Letters and Newspapers forwarded to the Mauritius *viâ* Aden,—

On a Letter not exceeding ½ ounce ..... 4 annas.
On a Newspaper ..... 9 pies.

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 30th March 1857.

NOTICE.

The attention of the Community is particularly requested to the Postal Notice dated 18th March 1857.

Vide *Government Gazette* and Local Papers of 19th and 20th March 1857.

Overland Letters and Papers cannot be delivered at the Post Office Window, except to those who hold Tickets, which may always be had, for payment, on application at this Office.

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 7th April 1857.

The Mails from the undermentioned Stations reached the Bombay Post Office in time for despatch by the P. & O. Co.'s Steamer "SINGAPORE," which started on the 3rd April 1857:—

	1857		1857		1857		1857
Agra	29 Mar.	Chiploon	30 Mar.	Jubbulpore	28 Mar.	Nagode	27 Mar.
Ajmere	27 „	Colombo	16 „	Jaunsie	28 „	Nougaum	21 „
Asseerghur	30 „	Campoolee	2 Apr.	Jhomjhoonoo	24 „	Oojein	30 „
Ahmedabad	2 Apr.	Calcutta	26 Mar.	Kolapoor	28 „	Ootacamund	26 „
Ahmednuggur	1 „	Cochin	21 „	Kaira	30 „	Oomrawuttee	29 „
Allahabad	26 Mar.	Chunar	26 „	Kherwara	28 „	Peshawar	24 „
Alleppy	20 „	Chandore	31 „	Kurrachee	28 „	Pallee	28 „
Arrah	25 „	Chittoor	25 „	Kurnool	29 „	Palanpore	28 „
Aurungabad	31 „	Chandah	28 „	Khundalla	3 Apr.	Poona	2 Apr.
Almorah	26 „	Chupra	24 „	Kamptee	29 Mar.	Panwell	2 „
Akote	28 „	Cuddalore	27 „	Kirkee	2 Apr.	Punderpore	31 Mar.
Augur	29 „	Delhi	28 „	Karanjah	30 Mar.	Paulghaut	24 „
Anuntapore	27 „	Dhurrumgaum	30 „	Kunhur	30 „	Palamcotta	25 „
Bhopaul	29 „	Dhoolia	31 „	Kurrar	1 Apr.	Quilon	22 „
Bignore	25 „	Deesa	30 „	Kisnaghur	25 Mar.	Rawulpindee	24 „
Barrielly	29 „	Dinapore	25 „	Khamgaum	30 „	Ramghur	24 „
Banda	24 „	Dapoolee	1 Apr.	Kulladgee	29 „	Rutlam	29 „
Boorhanpoor	30 „	Dhar	30 Mar.	Kotagerry	26 „	Roree	26 „
Bhopawar	30 „	Dharwar	27 „	Lucknow	26 „	Rutnagherry	31 „
Benares	28 „	Dholka	28 „	Lahore	26 „	Rajamundry	24 „
Bellimora	2 Apr.	Dannoor	28 „	Lingsoogoor	29 „	Ramandroog	29 „
Baroda	31 Mar.	Dhollera	29 „	Luchimungur	24 „	Roorkhee	26 „
Bellary	29 „	Dowlaseeram	25 „	Mehidpore	30 „	Sehore	29 „
Bolaram	29 „	Erinpoorah	28 „	Meerut	28 „	Saugor	29 „
Buxar	26 „	Ellichpoor	29 „	Mooltan	24 „	Sealkote	25 „
Bangalore	28 „	Ellore	25 „	Murree	26 „	Sungumnair	30 „
Belgaum	29 „	Futtyghur	27 „	Mundoosore	29 „	Seerpore	31 „
Baitool	28 „	Futtypore	26 „	Malligaum	2 Apr.	Surat	31 „
Broach	31 „	Gwalior	29 „	Mount Aboo	28 Mar.	Sukkur	26 „
Booldanah	30 „	Goruckpore	24 „	Matharan	2 Apr.	Sholapore	31 „
Beejapore	29 „	Gyah	25 „	Masulipatam	26 Mar.	Sattara	1 Apr.
Bhownuggur	30 „	Gohogur	30 „	Mangalore	25 „	Shemoga	28 Mar.
Beorah	30 „	Hooblee	27 „	Madras	28 „	Secunderabad	29 „
Bindrabin	27 „	Honore	26 „	Mysore	27 „	Seergootty	27 „
Bussao	24 „	Hoomnabad	29 „	Mahableshwur	2 Apr.	Sassoor	31 „
Beawur	26 „	Hydrabad(Dec.)	29 „	Malwan	30 Mar.	Sircee	26 „
Bhewndy	1 Apr.	Ditto (Scinde)	28 „	Mirzapore	27 „	Seringapatam	23 „
Bizoura	25 Mar.	Hoosingabad	27 „	Mooteearee	24 „	Shikarpore	26 „
Beypore	22 „	Hursole	27 „	Madapolam	21 „	Tanna	3 Apr.
Berhanpore	18 „	Hansie	24 „	Mhar	1 Apr.	Tarrapore	1 „
Bassein	30 „	Hazara	24 „	Mundleshur	30 Mar.	Tatta	29 Mar.
Ballapore	2 Apr.	Hingolee	30 „	Mahim	3 Apr.	Tellicherry	24 „
Cawnpore	27 Mar.	Indore	31 „	Mominabad	30 Mar.	Tuticorin	24 „
Cullian	2 Apr.	Jooneer	30 „	Mandawah	24 „	Tillara	28 „
Cambay	30 Mar.	Jhelum	23 „	Madura	26 „	Trichinopoly	25 „
Cullianwarree	1 Apr.	Jawud	28 „	Nagpore	30 „	Umballa	27 „
Cannanore	23 Mar.	Jeypore	26 „	Nusseerabad	27 „	Vizagapatam	24 „
Chutterpore	25 „	Julgaum	30 „	Neemuch	26 „	Vingorla	30 „
Calicut	23 „	Jacobabad	26 „	Nineetal	27 „	Wassind	2 Apr.
Coonoor	25 „	Joudpore	27 „	Nassick	1 Apr.	Wagotna	30 Mar.
Coimbatoor	25 „	Jumbooseer	30 „	Nundoorbar	30 Mar.	Waree	30 „
Coompta	24 „	Jaulnah	31 „	Nuldroog	30 „	Yeolah	30 „
Chuppra	24 „	Jejooree	29 „	Nursingpore	27 „		

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 8th April 1857.

Time Table of the Arrival of the last Overland Mail and Delivery of Letters and Newspapers.

Time at which the Steamer anchored.		Time at which the first Box was received in the Office.		Time at which the last Box was received.		Time at which the Window Delivery commenced, and the Delivery Peons left the Office.		Time at which Newspapers were sent for Delivery.		Number of Boxes received.	
Month and Date.	Hour.	Date.	Hour.	Date.	Hour.	Date.	Hour.	Date.	Hour.	Iron.	Wooden.
1857	A. M.	1857	A. M.	1857	A. M.	1857	P. M.	1857	P. M.		
April 6th	10	April 6th	10-20	April 6th	10-35	April 6th	12-30	April 6th	4-30	64	51

W. BLOWERS,
Bombay Post Office, 7th April 1857. Deputy Post Master General.

NOTICE.

The Mid-monthly Mails per Steamer for Scinde are discontinued until further notice.

W. BLOWERS,
Bombay Post Office, 25th March 1857. Deputy Post Master General.

NOTICE.

ONE ANNA STAMPED ENVELOPES are for SALE at this Office.

W. BLOWERS,
Bombay Post Office, 18th February 1857. Deputy Post Master General.

NOTICE.

The following alterations in the issue of Overland Mails are, under authority, published for general information :—

From and after 1st April next, at which date existing Tickets will cease to have effect, a payment of Rupees Twelve per annum will be required from all individuals or firms who may wish to have private boxes in the Bombay Post Office, or their Letters issued at the Window Delivery by Tickets.

The latter will, on production, entitle holders to receive their Overland Letters and Summaries at any hour of day or night after the distribution of the Mail commences.

Persons not desirous of the privilege will receive their letters and papers, as usual, through the Delivery Peons, but no general distribution will take place from the Post Office after 7 P. M., and unless the Steamer anchors before 5 P. M.

There will be no alteration in the ordinary delivery of 6 A. M., 9 A. M., and 12 noon.

W. BLOWERS,
Bombay Post Office, 18th March 1857. Deputy Post Master General.

NOTICE.

The Public are hereby informed that the Post Office at Catagal, in North Canara, has been temporarily closed.

(Signed) R. H. WILLIAMSON,
Madras Post Master General's Office, 28th November 1856. Post Master General.

E. IMPEY,
Bombay Post Master General's Office, 11th February 1857. Post Master General.

NOTIFICATION.

No. 1348.

FORT WILLIAM, HOME DEPARTMENT—POST OFFICE,
The 9th September 1856.

In modification of the List published by order of the Government of India, in this Department, dated the 29th September 1854, it is hereby declared that Secretaries to Municipal Boards, Commissions, or Committees, are not authorised to send Letters, Packets, or Parcels by Post, on the Public Service, without payment of Postage.

(Signed) CECIL BEADON,
Secretary to the Government of India.

NOTICE.

Under instructions from the Government of India, Newspapers passing between India and the United Kingdom by the Overland Mails will be liable to the following Rates of Postage, which must be prepaid, and which includes India Inland Postage :—

	Viâ Marseilles.	*Viâ Southampton.*
On a Newspaper not exceeding 4 ounces in weight..	3 pence or 2 annas	1 penny or 9 pies.

An additional Rate being charged for every 4 ounces, or fraction thereof.

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 31st March 1857.

NOTICE.

The Public are informed that arrangements have been made for a new line of Contract Steamers for the conveyance of the Mails, once a month, between England and Australia, *viâ* Suez and Point de Galle.

2. The Steamers will leave Suez on the 27*th of each month*, are expected to reach Galle on the 14th, Melbourne and Sydney on the 5*th and 8th respectively*, making Galle on the homeward trip on the 7th and 8th, and Suez on the 22nd and 23rd.

3. The Bombay Mails for Australia will be despatched with the China Mails to Point de Galle, and for the present be received *viâ* Madras.

4. Letters posted in India for conveyance by the Contract Packets must be prepaid at the following rates, which include Inland Postage :—

Not exceeding ½ an ounce	4 annas.
Exceeding ½ ounce and not exceeding 1 ounce	8 do.

and so on, adding 8 annas for every ounce or fraction of an ounce.

5. On Letters posted in Australia for conveyance by the Contract Packets, the only Postage to which they will be liable in *India* will be the usual Indian Postage.

6. On Newspapers posted in India for the same conveyance, one penny or nine pies, must be prepaid in cash, in addition to the usual Inland Postage when despatched from a Mofussil Post Office or by the *After-Packet*.

7. Newspapers received by the Contract Packets from Australia will be subject to the usual Inland Postage only.

E. IMPEY,
Post Master General.

Bombay Post Master General's Office, 25th February 1857.

NOTICE.

The Public are informed that the *Transit* rate of Postage on Letters conveyed to and from England and India *viâ Marseilles* is reduced from Five to Three Pence per Quarter Ounce as shown by the following Table :—

Weight.	Combined British and Indian Rate.	Additional or Transit Charge through France.	Total Charge.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*
Not exceeding ¼ of an ounce	0 4 0	0 2 0	0 6 0
Ditto ½ of an ounce	0 4 0	0 4 0	0 8 0
Ditto ¾ of an ounce	0 8 0	0 6 0	0 14 0
Ditto 1 ounce.....	0 8 0	0 8 0	1 0 0

And so on, adding 2 annas for every quarter of an ounce in addition to the combined British and Indian rate chargeable on the Letter.

A corresponding reduction is also made in the Postage on all Prepaid Letters forwarded through the United Kingdom to British Colonies, or Foreign Countries, when sent to the United Kingdom *viâ Marseilles*. It is to be observed, however, that the Postage so paid does not include the Postage between the United Kingdom and the British Colonies, or Foreign Territories.

Her Majesty's Post Master General has intimated that the charges upon Letters conveyed directly between France and India, *viâ Egypt*, have been reduced, but, in future, will be *levied in France*, and *not in India*. All such Letters, however, whether on despatch or receipt, will be subject to Inland or Indian Postage, excepting when posted or received at the Presidency Town Post Offices, in accordance with Clause VI. of the Post Office Act of 1854.

G. PATON,
Officiating Director General of the Post Office in India.

29*th January* 1857.

E. IMPEY,
Post Master General.

Bombay, Post Master General's Office, 11th February 1857.

ACT No. IV. of 1857.—Murathee.

सन १८५७ चा आक्ट ४ था.

लेजिस्लेटिव कौन्सिलाने ठरविला तो, इंडियाचे गवरनर जनरल इन कौन्सिल याणी सन १८५७ चे फेब्रुआरी महिन्याचे ९ वे तारिखेस मंजूर केला :—

तंबाखूचे जकाती विषयींचा, व मुंबई शहरांत तंबाखू फुटकळ विकण्याविषयींचा, व वखारींत भरून ठेवण्याविषयींचा कायदा सुधारण्या बाबद आक्ट.

उद्देश. तंबाखूचे जकातीविषयींचा, व मुंबई शहरांत तंबाखू फुटकळ विकण्याविषयींचा, व वखारींत भरून ठेवण्याविषयींचा कायदा सुधारणे योग्य आहे ; यास्तव खालीं लिहिल्याप्रमाणे ठरविलें आहे :—

कायदे रद्द केले. १. मुंबईचे कायदे पुस्तकांतील सन १८२७चे २१ वे कायद्याची ५ वी, व ६ वी, व ७ वी, व ८वी बाब ; व सन १८५० चा २४ वा आक्ट रद्द केला आहे ; परंतु त्या बाबींवरून, व त्या आक्टावरून, दुसरा कोणता कायदा, किंवा आक्ट रद्द झाला असेल तो कायदा किंवा आक्ट पुनः अमलांत यावा अशा हेतूने त्या बाबी, व तो आक्ट रद्द केला नाहीं.

मुंबईत खर्च करण्या साठीं आणलेले तंबाखू वरील जकात. २. मुंबई शहरांत खर्च होण्यासाठीं कोणतेही ठिकाणाहून त्या शहरांत आणलेले तंबाखूवर (या आक्टांत पुढें सांगितल्या प्रमाणे थोडका थोडका तंबाखू असेल तो खेरीज करून) दर मणास सात रुपये आठ आण्या प्रमाणे जकात पडेल. मणाचा हिशोब करणे तो ऐशी तोळ्यांचा एक शेर, व चाळीस शेरांचा एक मण या प्रमाणे करावा. या जकातीस "म्युनिसिपल ड्युटी" असें नाव या आक्टांत पुढें दिलें आहे. कायद्यावरून कस्टमची कोणतीही जकात ठरविली असेल ती खेरीज आणखी सदर्हू ड्यूटि पडेल.

'म्युनिसिपल ड्यूटी' केव्हां दिली पाहिजे. ३. सदर्हू 'म्युनिसिपाल ड्यूटी' देणे ती तंबाखू आणणाराने आपले मर्जी प्रमाणे तंबाखू आणला म्हणजे लागलीच द्यावी, किंवा या आक्टांत पुढें सांगितल्या प्रमाणे तंबाखू वखारींत भरून ठेवल्यावर द्यावी.

तंबाखू आणल्यावर लागलीच 'म्युनिसिपल ड्यूटी' न दिलीं तर खर्चाकरितां वखारींतून काढून नेते वेळीं दिली पाहिजे. पुनः रवाना केल्यास जकात सुटेल. ४. तंबाखू आणल्यावर त्याची सदर्हू 'म्युनिसिपल ड्यूटी' न दिली तर, तो तंबाखू सन १८३६ चे २५ वे आक्टाचे अर्था प्रमाणे सरकारी, किंवा पट्टा मिळालेले वखारींत भरून ठेवावा ; आणि तो तंबाखू सदर्हू शहरांत खर्चा करितां वखारींतून काढून नेते वेळीं त्याची 'म्युनिसिपल ड्यूटी' तंबाखू आणणाराने दिली पाहिजे. सदर्हू प्रमाणे वखारींत ठेवलेला तंबाखू सदर्हू शहराचे हद्दीबाहेरील कोणतेही ठिकाणी पुनः रवाना केला तर सदर्हू 'म्युनिसिपल ड्यूटी' सोडावी.

मुंबई बंदर हें तंबाखू प्रकर्णीं माल सांठवून ठेवण्याचें बंदर आहे. ५. हा आक्ट ठरल्या नंतर मुंबई बंदर हें तंबाखू सांठवून ठेवण्या प्रकर्णीं मात्र सन १८३६ चे २५ वे आक्टा प्रमाणे माल सांठवून ठेवण्याचें बंदर आहे असें समजावें ; आणि सदर्हू आक्टांतील ठराव जितके लागू असतील, तितके सदर्हू शहरांत तंबाखू सांठवून ठेवण्या प्रकर्णीं लागू करावे. सदर्हू आक्टांत "इम्पोर्ट ड्यूटी" म्हणून लिहिली आहे त्या 'ड्यूटींत' तंबाखूवर या आक्टा प्रमाणे ध्यावयाचे 'म्युनिसिपल ड्यूटी' चा समावेश होतो असें समजावें.

'ड्यूट्या' वसूल करण्या विषयींचे व ६. जकातीचा व मिठाचा व अफूचा कमिशनर, व जकातीचे अंमलदार यांस या अक्टांत जे अधिकार दिले आहेत त्या खेरीज त्यांस खालीं लिहिल्या प्रमाणे आणखी अधिकार आहेत म्हणजे,

जबरीने उगविण्या विषयींचे अधिकार.

'कस्टमचे' जकाती विषयीं हल्लीं जे अधिकार त्यांस आहेत, किंवा या पुढें मिळतील ते सर्व 'म्युनिसिपल ड्यूटी' वसूल करण्या विषयीं, व जबरीने उगविण्या विषयीं त्यांस आहेत असें समजावें.

जळमार्गा खेरीज इतर मार्गाने तंबाखू (मुंबईत) आणूंनये. उताराचा जागा ठरवाव्या.

७. जकातीचा व मिठाचा व अफूचा कमिशनर याची परवानगी घेतल्या वांचून, किंवा परवानगी देण्याचा अधिकार सरकाराने जा इतर अंमलदारास दिला असेल, त्याची परवानगी घेतल्या वांचून तंबाखू, किंवा तंबाखूचा केलेला कोणताही पदार्थ जळमार्गाखेरीज इतर मार्गाने मुंबईत आणूं नये; अथवा तंबाखू, व तंबाखूचा केलेला इतर पदार्थ उतरण्याचा जागा मुंबई सरकार वेळोवेळीं ठरवील त्यांखेरीज इतर जागीं उतरुं नये.

'ड्यूटी'ची माफी.

८. ऐशी तोळ्यांचा शेर असे चार शेरांपर्यंत थोडका थोडका तंबाखू मुंबईत आणणाराने खासगी खर्चाकरितां आणला असेल, त्यास या आक्टांतील वरील ठराव लागू नाहींत.

तंबाखू एके ठिकाणाहून दुसरे ठिकाणी नेण्यास परवानगी चिठी अवश्य आहे.

९. जकातीचे व मिठाचे व अफूचे कमिशनरा कडून परवानगी चिठी घेतल्यावांचून तंबाखू सदर्हू शहरांत एके ठिकाणाहून दुसरे ठिकाणीं नेऊं नये, किंवा सदर्हू शहरांतील कोणतेही रहदारीचे जागीं घेऊन जाऊं नये; अथवा चाळीस खंडींहून कमी वारदानाचे गलबतावरून सदर्हू शहरालगतचे कोणतेही खाडींत, किंवा पाण्यांत घेऊन जाऊं नये. परवानगी चिठी घेणे तीं, या आक्टास जोडलेले **अ.** निशाणीचे परिशिष्टांतील फर्म्या प्रमाणे, किंवा तसे मजकुराची असावीं. सदर्हू प्रकारची परवानगी चिठी जा दिवशीं दिली असेल, त्या दिवशीं सूर्योदया पासून सुर्यास्ता पर्यंत मात्र ती अमलांत राहील; परंतु

विशेष ठराव.

असें ठरविलें आहे कीं या आक्टांतील ठरावा प्रमाणे तंबाखू कायदेशीर रितीने शहरांत आणण्या साठीं तो एके जाग्याहून दुसरे जागीं नेणे अवश्य असेल तेवढेंच मात्र कृत्य करण्यास परवानगी चिठीची जरूर नाहीं; आणि स्वतःचे, किंवा घरगुती खर्चा करितां ऐशी तोळ्यांचा शेर असे चार शेरां पर्यंत थोडका थोडका तंबाखू नेतील, त्या करितां ही परवानगी चिठीची जरूर नाहीं.

एके गठ्याहून कमी तंबाखू वखारींतून काढून नेण्याविषयीं परवानगी चिठी मिळणार नाहीं.

१०. सबंध गठ्याहून, किंवा गांसडीहून कमी तंबाखू वखारींतून काढून नेण्याविषयीं परवानगी चिठी देऊं नये. परंतु असें ठरविलें आहे कीं सदर्हू शहरांत खर्चासाठीं तंबाखू वखारींतून काढून न्यावयाचा असेल तेव्हां, काढून नेण्या पूर्वी कोणताही गठ्ठा, किंवा गांसडी सोडून त्या पैकीं कचरा, किंवा निरुपयोगी असेल तो भाग वेगळा काढून ठेवण्याची परवानगी देण्याचा अधिकार जकातीचे व मिठाचे व अफूचे कमिशनरास आहे. आणि सदर्हू प्रकारचे परवानगीचे तारिखे पासून एके महिन्याचे आंत कोणतेही वेळीं

विशेष ठराव.

तंबाखू दुसरे बंदरीं पाठविण्याचा कानूं प्रमाणे सदर्हू कचरा, किंवा निपरुयोगी तंबाखू मर्जी असल्यास दुसरे बंदरीं पाठवावा, किंवा दुसरे बंदरीं सदर्हू प्रमाणे न पाठविला तर, कमिशनराचे हुकुमावरून त्याचा नाश करून टाकावा.

तंबाखू फुटकळ विकण्याविषयीं पट्टा.

११. जकातीचे व मिठाचे व अफूचे कमिशनराकडून पट्टा घेतल्यावांचून, किंवा पट्टे देण्याचा अधिकार सरकाराने जा इतर अंमलदारास योग्य रितीने दिला असेल त्याकडून पट्टा घेतल्या वांचून कोणी मनुष्याने तंबाखू सदर्हू शहरांत फुटकळ विकूं नये, किंवा विकण्यास काढूं नये. जा मनुष्यास पट्टा मिळाला असेल, त्यापासून तो या आक्टांतील ठरावा अन्वयें परत घेतला नसेल तर, तो पट्टा त्यांतील तारखे पासून बारा क्यालेंडर महिने पर्यंत अमलांत राहील. सदर्हू प्रकारचे प्रत्येक पट्या बद्दल एक रुपया "फी" दिली पाहिजे.

फुटकळ विकरी कोणती समजावी.

१२. ऐशी तोळ्यांचा शेर असे चौदा शेरां पर्यंत तंबाखू विकला असतां ती विकरी, या आक्टाचे अर्था प्रमाणे फुटकळ विकरी होते असें समजावें.

पट्ट्यांत लिहिलेले जागीं मात्र फुटकळ विकरी करावी.

१३. तंबाखू फुटकळ विकण्या विषयीं जास पट्टा मिळाला असेल त्याणे आपले पट्ट्यांत जें दुकान, किंवा इतर जागा लिहिली असेल, ती खेरीज इतर ठिकाणीं तंबाखू फुटकळ विकूं नये; किंवा तो भरून ठेऊं नये. आणि तंबाखू फुटकळ विकणाराचें नाव व त्याचे पट्ट्याचा नंबर इंग्रजींत, व गुजराथींत, व मराठींत किमानपक्ष एक इंच उंचीचे स्पष्ट, व वाचतां येतील असे अक्षरानी पाटीवर लिहून, किंवा काढून ती पाटी जा दुकानी, किंवा जागीं सदर्हू प्रकारची फुटकळ विकरी होत असेल त्या दुकानाचे, किंवा जाग्याचे दर्शनी भागावर सहज दृष्टीस पडे अशी लावावी.

पट्टा मिळालेले मनुष्याचें नाव दुकानावर लावावें.

फुटकळ विकणाराची दर महिन्यास दास्ताचे तखते द्यावे.

१४. दर महिन्याचे १० वे तारिखेस, किंवा त्या तारिखे पूर्वी तंबाखू फुटकळ विकणाराने जकातीचे व मिठाचे व अफूचे कमिशनराकडे, किंवा वर सांगितलेले इतर अंमलदाराकडे जा दुकाना बद्दल, किंवा विकरीचे जागे बद्दल आपणास पट्टा मिळाला असेल, त्या प्रत्येक दुकाना बाबद, किंवा विकरीचे जागे बाबद खालीं लिहिलेला मजकूर लिहून निर निराळा तखता द्यावा म्हणजे; गेले महिन्याचे प्रारंभीं दुकानांत किंवा विकरीचे जागेंत तंबाखूची शिलक किती होती; व त्या महिन्यांत आपणास किती तंबाखू पोंचला; व कोणकोणा जवळून, व कोणकोणते तारिखेस पोंचला; व त्या महिन्याचे अखेरीस शिलक किती होती; हा मजकूर लिहून तखता द्यावा. आणि कोणताही फुटकळ विकणारा सदर्हू प्रकारचा तखता देण्यास नाहीं म्हणेल, किंवा हयगय करील, किंवा खोटा तखता देईल तो खालीं लिहिलेले गोष्टीस पात्र होईल म्हणजे, सदर्हू कमिशनराने, किंवा वर सांगितलेले इतर अंमलदाराने त्याचा पट्टा घ्यावा, आणि दोनशें रुपये पर्यंत त्यास दंड करावा या गोष्टीस तो पात्र होईल.

फुटकळ विकणारास तंबाखू पोंचेल त्यासर्व तंबाखूचें वजन वगैरे त्याणे वहींत नोंदावें. वही तपासणे.

१५. तंबाखू फुटकळ विकणारास सदर्हू प्रकारचे दुकानांत, किंवा विकरीचे जागेंत तंबाखू जा दिवशीं पोंचेल, त्याच दिवशीं त्या तंबाखूविषयीं खालीं लिहिल्याप्रमाणे त्याणे नोंद करावी: म्हणजे नोंदीसाठीं वही ठेवून त्या वहींत त्या तंबाखूचें वजन; व जा तारिखेस तो त्यास पोंचेल ती तारीख; आणि जा मनुष्यापासून, व जागेहून पोंचला असेल त्यांचीं नावें नोंदावीं. आणि जकातीचे व मिठाचे व अफूचे कमिशनरास, किंवा सदर्हू प्रकारचे इतर अंमलदारास, अथवा कमिशनराने, किंवा सदर्हू प्रकारचे अंमलदाराने जा मनुष्यास ती वही तपासण्याचा अधिकार दिला असेल त्यास सदर्हू प्रकारची वही तपासण्यासाठीं खुली ठेवावी. आणि कमिशनर, किंवा इतर अंमलदार, किंवा सदर्हू प्रकारचा मनुष्य सदर्हू वही तपाशील तेव्हां आपणास योग्य वाटेल तसा तींत शेरा लिहिण्याचा, किंवा तींतून उतारा घेण्याचा त्यास अधिकार आहे. आणि या कलमांतील ठरावाप्रमाणे चालण्यास कोणी फुटकळ विकणारा हयगय करील, किंवा नाहीं म्हणेल तो प्रत्येक गुन्ह्याबद्दल खालीं लिहिलेले गोष्टीस पात्र होईल म्हणजे, सदर्हू कमिशनराने, किंवा वर सांगितलेले इतर अंमलदाराने त्याचा पट्टा घ्यावा, आणि दोनशे रुपये पर्यंत त्यास दंड करावा या गोष्टीस तो पात्र होईल.

झाडा घेण्याचें वारंट.

१६. कोणतेही इमारतींत, किंवा जागेंत या आक्टांतील ठरावा प्रमाणे तंबाखू ठेवला असेल, त्या इमारतींत, किंवा जागेंत सूर्योदया पासून सूर्यास्ता पर्यंत शिरून झाडा घेण्याविषयीं; अथवा अमुक इमारतींत, किंवा जागेंत तंबाखू या आक्टांतील ठरावा विरुद्ध आहे म्हणून भरंवसा येण्या जोगी बातमी (ही बातमी लिहून घ्यावी) कमिशनरास, किंवा वर सांगितलेले इतर अंमलदारास लागली असेल त्या इमारतींत, किंवा जागेंत सूर्योदया पासून सूर्यास्ता पर्यंत शिरून झाडा घेण्याविषयीं; आणि जो तंबाखू किंवा इतर जिनसा या आक्टा अन्वयें सरकार दाखल होण्यास पात्र असतील त्या धरून तेथून घेऊन जाण्याविषयीं कोणतेही सरकारी कामगारास आपले सही शिक्क्याचें वारंट देण्याचा अधिकार जकातीचे व मिठाचे व अफूचे कमिशनरास, किंवा वर सांगितलेले इतर अंमलदारास आहे. जा इमारतीचा, किंवा जागेचा झाडा घ्यावयाचा असेल ती इमारत, किंवा जागा वारंटांत लिहिली पाहिजे.

धरून अटकावून ठेवण्याचा अधिकार. वाहन वगैरेचा झाडा घेणे.

१७. या आक्टा प्रमाणे जो तंबाखू सरकार दाखल होण्यास पात्र असेल, तो तंबाखू नेणारे, किंवा स्वाधीन असणारे मनुष्यास धरून अटकावून ठेवण्याचा अधिकार; आणि कोणतेंही पात्र, किंवा गांसडी अटकावून तिचा झाडा घेण्याचा अधिकार; आणि कोणतेही बोटींत, किंवा वाहनांत सदर्हू प्रकारचा तंबाखू असेल, किंवा जात असेल, अथवा कोणतेही बोटींत, किंवा वाहनांत सदर्हू प्रकारचा तंबाखू आहे, किंवा जात आहे असें वाटत असेल ती बोट, किंवा वाहन अटकावून त्याचा झाडा घेण्याचा अधिकार जकातीचे व मिठाचे व अफूचे कमिशनरास, किंवा वर सांगितलेले इतर अंमलदारास, अथवा कोणतेही सरकारी कामगारास कमिशनराने, किंवा सदर्हू प्रकारचे अंमलदाराने अख्त्यार दिला असेल त्यास आहे.

कायद्या विरुद्ध आणलेला किंवा एके ठिकाणाहून दुसरे ठिकाणी नेलेला वगैरे

१८. या आक्टांतील ठरावा विरुद्ध तंबाखू सदर्हू शहरांत येईल, किंवा सदर्हू शहरांत एके जागेहून दुसरे जागीं नेण्यांत येईल, किंवा त्या शहरांत ठेवण्यांत येईल, किंवा सदर्हू शहरांतील कोणी मनुष्य या आक्टांतील ठरावा विरुद्ध तंबाखूचा कांहीं भाग विकीत असेल, किंवा विकण्यास काढीत असेल त्याचे कबजांत तंबाखू सांपडेल तो; आणि सदर्हू प्रकारचा तंबाखू जा पात्रांत असेल तें पात्र; आणि सदर्हू

तंबाखू सरकार दाखल होईल.

प्रकारचा तंबाखू नेण्याचे कामास कोणतेंही वाहन, किंवा बोट, किंवा जनावर मालकाचे, किंवा त्याचे चाकराचे अनुमताने, व त्यास माहीत असून लावलेलें असेल तें सरकार दाखल होण्यास पात्र होईल. परंतु

शिक्षा कमी करणे.

असें ठरविलें आहे कीं माल सरकार दाखल करण्याची शिक्षा या कलमांत ठरविली आहे, तिचे बदला मालाचे किमती पर्यंत दंड ठरवून ती शिक्षा कमी करण्याचा अधिकार इनसाफ करणारे अंमलदारास आहे. आणि सरकार दाखल होण्यास पात्र असणारा माल जरूर पडल्यास विकून सदर्हू प्रकारचा दंड वसूल करावा.

तंबाखू कायद्या विरुद्ध आणला किंवा एके ठिकाणाहून दुसरे ठिकाणी नेला किंवा विकला किंवा कबजांत ठेवला तर शिक्षा होईल.

१९. कोणी मनुष्य सदर्हू शहरांत कायद्या विरुद्ध तंबाखू आणील, किंवा एके ठिकाणाहून दुसरे ठिकाणी नेईल, किंवा विकील तो; अथवा या आक्टा अन्वयें सरकार दाखल होण्यास पात्र असणारा तंबाखू कोणी मनुष्य समजून उमजून आपले कबजांत ठेवील तो तंबाखूचे दसपट किमती पर्यंत दंडास पात्र होईल आणि गुन्हेगार पट्टा मिळालेला फुटकळ विकणारा असेल तर, तो खालीं लिहिलेले गोष्टीस पात्र होईल म्हणजे, जकातीचे व मिठाचे व अफूचे कमिशनराने, किंवा वर सांगितलेले इतर अंमलदाराने त्याचा पट्टा ध्यावा या गोष्टीस तो पात्र होईल.

पट्टा रद्द करणे.

दंड वसूल करणे व माल सरकार दाखल करण्याचा ठराव करणे व तो विकणे.

२०. या आक्टाप्रमाणे माल सरकार दाखल हाण्याचा असेल त्याचा ठराव करण्याचा, व दंड घेण्याचे असतील ते वसूल करण्याचा अधिकार मुंबई शहराचे कोणतेही पोलीस माजिस्ट्रेटास आहे. माल सरकार दाखल करण्यास पात्र आहे असा ठराव केला असेल तो माल, माजिस्ट्रेटाचे वारंटावरून विकावा.

अर्थ.

२१. या आक्टांतील खालीं लिहिलेले शब्दांचा, व वाक्यांचा अर्थ या कलमांत सांगितल्या प्रमाणे समजावा; परंतु तशे अर्थास अन्वयावरून बाध येत असेल तर तसा करूं नये.

"मुंबई शहर" या शब्दांत मुंबई, व कुलाबा या टापूंतील सर्व ठिकाणांचा समावेश होतो असें समजावें.

एक वचनी शब्दांत अनेक वचनाचा, आणि अनेक वचनी शब्दांत एकवचनाचा समावेश होतो असें समजावें.

पुल्लिंगी शब्दांत स्त्रियांचा समावेश होतो असें समजावें.

परिशिष्ट निशाणी **अ.**

परवानगी चिठीचा फर्मा.

नंबर

सन———चे————महिन्याचे——तारिखेस सूर्योदया पासून सूर्यास्ता पर्यंत खालीं लिहिला आहे तितका तंबाखू मांडवींतून, किंवा पट्टा मिळालेले वखारींतून, किंवा काळबादेवीचे रस्त्या वरील———नंबराचे दुकानांतून काढून बाजाराचे रस्त्यावरील———नंबराचे वखारींत, किंवा दुकानांत नेण्याची परवानगी **अ. ब.** यास दिली आहे.

सही———————

जकातीचा व मिठाचा व अफूचा कमीशनर.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

ACT No. IV. of 1857.—Guzerathee.

સન ૧૮૫૭ નો આક્ટ ૪ થો.

લેજીસ્લેટિવ કૌંસિલે ઠરાવ્યો તે, ઇંડિયાના ગવરનર જનરલ ઇન્ કૌંસિલે સન ૧૮૫૭ ના ફેબ્રુઆરી મહિનાની ૯ મી તારિખે મંજૂર કીધો.

તંબાકુની જકાત બાબતનો, તથા મુંબઈ શેહેરમાં તંબાકુ પરચુરણ વેચવા બાબતનો, તથા વખારમાં ભરી મુકવાબાબતનો કાયદો સુધારવાનો આક્ટ.

તંબાકુની જકાત બાબતનો, તથા મુંબઈ સેહેરમાં તંબાકુ પરચુરણ વેચવા બાબતનો, તથા વખારમાં ભરી મુકવા બાબતનો કાયદો સુધારવો યોગ્ય છે; વાસ્તે હેઠળ લખ્યા પ્રમાણે ઠરાવ્યું છે:— ઉદેશ.

૧. મુંબઇના કાયદા પુસ્તક માહેના સન ૧૮૨૭ ના ૨૧ મા કાયદાનો ૫ મો, ૬ ઠ્ઠો, ૭ મો અને ૮ મો બાબ; તથા સને ૧૮૫૦ નો ૨૪મો આક્ટ રદ કીધો છે; પણ તે બાબો ઉપરથી, તથા તે આક્ટ ઉપરથી બિજો કોઈ કાયદો, અથવા આક્ટ રદ થયો હોય તે કાયદો, અથવા આક્ટ પાછો અંમલમાં આવે એવા ઈરાદાથી તે બાબો, તથા તે આક્ટ રદ કર્યો નથી. કાયદા રદ કીધા તે.

૨. મુંબઈ શેહેરમાં ખપ સારૂ કોઈ ઠેકાણેથી તે શેહેરમાં આણેલા તંબાકુની (આ આક્ટમાં આગળ કહ્યા પ્રમાણે થોડો થોડો તંબાકુ હોય તે સિવાય) દરમણે સાત રૂપિયા આઠ આના પ્રમાણે જકાત બેસશે. તે મણ એંસી તોલાનો સેર, અને ચાળીસ સેરનો મણ એ પ્રમાણે ગણવો. આ જકાતને "મ્યુનિસિપલ ડ્યુટી" એવું નાંમ આ આક્ટમાં આગળ આપ્યું છે. કાયદા પ્રમાણે "કસ્ટમની" જે કંઈ જકાત ઠરાવી હશે તે સિવાય સદર્હૂ "ડ્યુટી" બેસશે. મુંબઈ શેહેરમાં ખપ સારૂ આણેલા તંબાકુની જકાત.

૩. સદર્હૂ "મ્યુનિસિપલ ડ્યુટી" આપવી તે તંબાકુ લાવનારે પોતાની મરજીમાં આવે તો તંબાકુ લાવે એટલે તાબડતોબ આપવી; અથવા આ આક્ટમાં આગળ કહ્યા પ્રમાણે વખારમાં તંબાકુ ભરયા પછી આપવી. "મ્યુનિસિપલ ડ્યુટી" ક્યારે આપવી જોઇએ.

૪. તંબાકુ લાવ્યા પછી તાબડતોબ તેની સદર્હૂ "મ્યુનિસિપલ ડ્યુટી" ન આપે તો, તે તંબાકુ સન ૧૮૩૬ ના ૨૫ મા આક્ટના અર્થ પ્રમાણે સરકારી અથવા પટાવાળી વખારમાં ભરી મુકવો; અને તે તંબાકુ સદર્હૂ સેહેરમાં ખપ સારૂ વખારમાંથી કાઢી લેઇ જતી વખતે તેની "મ્યુનિસિપલ ડ્યુટી" તંબાકુ લાવનારાએ આપવી. એ પ્રમાણે વખારમાં ભરી મુકેલો તંબાકુ સદર્હૂ શેહેરની હદ બાહાર કોઈ ઠેકાણે પાછો રવાના કરે તો સદર્હૂ "મ્યુનિસિપલ ડ્યુટી" છોડી દેવી. તંબાકુ લાવે ત્યારે "મ્યુનિસિપલ ડ્યુટી" ન આપે તો, ખપસારૂ વખારમાંથી કાઢી લઈ જતી વખતે આપવી જોઇએ. પાછો રવાના કરશે તો જકાત માફ થશે.

૫. આ આક્ટ ઠરયા પછી મુંબઈ બંદર તંબાકુ ભરી મુકવાની બાબતમાંજ સન ૧૮૩૬ ના ૨૫ મા આક્ટ પ્રમાણે માલ ભરી મુકવાનું બંદર છે એવું સમજવું; અને સદર્હૂ આક્ટના જેટલા ઠરાવ લાગૂ હોય તેટલા સદર્હૂ શેહેરમાં તંબાકુ વખારમાં ભરી મુકવા બાબત લાગૂ કરવા. સદર્હૂ આક્ટમાં "ઇમ્પોર્ટડ્યુટી" લખી છે તે "ડ્યુટી"માં, તંબાકુની આ આક્ટ પ્રમાણે "મ્યુનિસિપલ ડ્યુટી" લેવી જોઇએ તે પણ આવી એવું સમજવું. તંબાકુની બાબતમાં મુંબઈ બંદર માલ-ભરી મુકવાનું બંદર છે.

૬. જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનરને, તથા જકાતના અંમલદારને આ આક્ટમાં જે અધિકાર આપ્યો છે તે સિવાય તેઓને હેઠળ લખ્યા પ્રમાણે અધિકાર છે એટલે: કસ્ટમ-ની જકાત બાબત તેઓને હાલમાં જે અધિકાર હોય, અથવા હવે પછી મળે તે સઘળો અધિકાર "મ્યુનિસિપલ ડ્યુટી" લેવા બાબત, તથા જબરીથી વસૂલ કરવાબાબત તેઓને છે એવું સમજવું. "ડ્યુટી" સો લેવાનો, તથા જબ-રીથી વસૂલ કરવાનો અધિકાર.

૭. જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનરની પરવાનગી લીધાવગર, અથવા પરવા-નગી આપવાનો અધિકાર સરકારે જે બિજા અંમલદારને આપ્યો હોય તેની પરવાનગી લીધાવગર તંબાકુ, અથવા તંબાકુનો કરેલો હર કોઈ પદાર્થ જળમાર્ગ સિવાય બિજે માર્ગે મુંબઈમાં લાવવો નહીં; જળમાર્ગ સિવાય બિજે રસ્તે(મુંબઇમાં) તંબાકુ લાવવો નહીં.

ઉતારવાની જગા ઠરાવવી.

અને તંબાકુ, તથા તંબાકુની કરેલી હર કોઈ જનસ ઉતારવાની જગા મુંબઈ સરકાર વખતે વખતે ઠરાવે તે સિવાય બિજી જગાએ ઉતારવી નહીં.

"ડ્યુટી" ની માફી.

૮. એંસીતોલા ભારના સેરને હિસાબે ચાર સેર સુધી થોડો થોડો તંબાકુ કોઈ માણસ પોતાના ખાનગી ખરચ સારૂ મુંબઈમાં લાવે તો તેને આ આક્ટના પાછળા ઠરાવ લાગૂ નથી.

તંબાકુ એક ઠેકાણેથી બિજે ઠેકાણે લેઇજવાને પરવાનગી ચિઠ્ઠી લેવી જોઇએ.

૯. જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનરની પાસેથી પરવાનગી ચિઠ્ઠી લીધા વગર સદર્હૂ રોહેરમાં એક ઠેકાણેથી બિજે ઠેકાણે તંબાકુ લેઇજવો નહીં, અથવા સદર્હૂ રોહેરમાંની કોઈ રાહદારીની જગાએ લેઇજવો નહીં ; અથવા ચાળીસ ખાંડી કરતાં ઓછી ખાંડીનાં વાંહાણે, અથવા બોટે સદર્હૂ રોહેરને લગતી કોઈ ખાડીમાં, અથવા પાણીમાં લેઇજવો નહીં. પરવાનગી ચિઠ્ઠી લેવી, તે આ આક્ટને જોડેલાં **અ** નિસાણીનાં પરિશિષ્ટના નમુના પ્રમાણે, અથવા તેવીજ મતલબની જોઇએ. પરવાનગી ચિઠ્ઠી જે દાહાડે આપી હોય, તે દાહાડે સુરજ ઉગ્યાથી તે સુરજ આથમે તાંહાં સુધીજ ચાલશે ;

વિરોધ ઠરાવ.

પણ એવું ઠરાવ્યું છે કે આ આક્ટના ઠરાવ પ્રમાણે તંબાકુ કાયદા સર રીતે રોહેરમાં લાવવા સારૂ તે એક ઠેકાણેથી બિજે ઠેકાણે લેઇજવાની જરૂર હોય તેટલું કામ કરવાને પરવાનગી ચિઠ્ઠીની જરૂર નથી. અને કોઈ પોતાના, અથવા ઘર ખરચને સારૂ એંસી તોલાભારના સેરને હિસાબે ચાર સેર સુધી થોડો થોડો તંબાકુ લેઇજશે તેને સારૂ પરવાનગી ચિઠ્ઠીની જરૂર નથી.

એક ગાંસડી કરતાં ઓછો તંબાકુ વખારમાંથી કાઢી લેઇજવાની પરવાનગી ચિઠ્ઠી મળશે નહીં.

૧૦. અકબંધ ગાંસડી, અથવા બીનડી કરતાં ઓછો તંબાકુ વખારમાંથી કાઢી લેઇજવાની પરવાનગી ચિઠ્ઠી આપવી નહીં. પણ એવું ઠરાવ્યું છે કે સદર્હૂ રોહેરમાં ખરચ સારૂ વખારમાંથી તંબાકુ કાઢી લેઇજવો હોય ત્યારે, કાહાડી લેઇજતાં પેહેલાં કોઈ ગાંસડી, અથવા બીનડી છોડીને તેમાંનો કચરો, અથવા રદ્દી માલ હોય તે ભાગ જુદો કાહાડી મુકવાની પરવાનગી આપવાને જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનર મુખ્તયાર છે. અને એ પ્રમાણે આપેલી પરવાનગીની તારીખથી એક મહીનાની અંદર ગમે તે વખતે નજરમાં આવે તો, બિજે બંદર તંબાકુ મોકલવાની કાનુન પ્રમાણે તે કચરો, અથવા રદ્દી તંબાકુ બિજે બંદરે મોકલી દેવો ; અથવા એ પ્રમાણે બિજે બંદર ન મોકલે તો, કમિશનરના હુકમથી તેનો નાશ કરી નાંખવો.

વિરોધ ઠરાવ.

તંબાકુ પરચુરણ વેચવાનો પટો.

૧૧. જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનરની પાસેથી પટો લીધાવગર, અથવા પટા આપવાનો અધિકાર સરકારે જે બિજા અંમલદારને યોગ્ય રીતે આપ્યો હોય તેની પાસેથી પટો લીધાવગર કોઈ માંણુસે સદર્હૂ રોહેરમાં તંબાકુ પરચુરણ વેચવો નહીં, અથવા વેચવા કાહાડવો નહીં. જે માંણુસને પટો મળ્યો હોય, તેની પાસેથી તે આ આક્ટના ઠરાવ પ્રમાણે પાછો લીધો નહીં હોય તો, તેમાં લખેલી તારીખથી બાર "કેલેંડર" મહિંનાસુધી તે ચાલશે. એવા દર એક પટા બાબત એક રૂપિયો "ફી" આપવી પડશે.

પરચુરણ વેચાંણ કયું સમજવું.

૧૨. એંસી તોલા ભારના સેરને હિસાબે ચૌદ સેર સુધી તંબાકુ વેચે તો, તે વેચાંણ, આ આક્ટના અર્થ પ્રમાણે પરચુરણ વેચાંણ છે એવું સમજવું.

પટામાં લખેલી જગાએજ પરચુરણ વેચાંણ કરવું.

૧૩. તંબાકુ પરચુરણ વેચવાનો જેને પટો મળ્યો હોય તેણે પોતાના પટામાં જે દુકાંન, અથવા જગા લખી હોય, તે સિવાય બિજે ઠેકાણે તંબાકુ પરચુરણ વેચવો નહીં, અથવા ભરી મુકવો નહીં ; અને

જેને પટો મળ્યો હોય તેનું નાંમ દુકાંન ઉપર મારવું.

તંબાકુ પરચુરણ વેચનારે દર મહીને દાસ્તાનના હિસાબનું પત્રક આપવું.

તંબાકુ પરચુરણ વેચનારે દર મહિનાની ૧૦ મી તારિખે, અથવા તે તારીખ પેહેલાં જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનરને, અથવા ઉપર કહેલા બિજા અંમલદારને તંબાકુ પરચુરણ વેચનારે જે દુકાંન બાબત, અથવા (તંબાકુ) વેચવાની જગા બાબત પોતાને પટો મળ્યો હોય, તે દર એક દુકાંન બાબત, અથવા (તંબાકુ) વેચવાની જગા બાબત હેઠળ લખેલો મજકૂર લખીને જુદું જુદું પત્રક આપવું એટલે : ગયા મહીનાની સીરઆતમાં દુકાંનમાં, અથવા વેચવાની જગાએ પોતાની પાસે કેટલો તંબાકુ સીલક હતો ; અને તે મહીનાંમાં પોતાની પાસે કેટલો તંબાકુ આવ્યો ; અને કોની કોની પાસેથી, તથા કઈ કઈ

તારીખે આવ્યો ; અને તે મહીનાની આખરે ટેકલો મીલક રહ્યો ; આ મજકૂર લખીને પત્રક આપવું અને કોઈ પરચુરણ વેચનાર સદર્હૂ પ્રકારનું પત્રક આપવાની ના કેહેરો, અથવા ગફલત કરરો, અથવા ખોટું પત્રક આપરો તો, તે હેઠળ લખેલી વાતને પાત્ર થરો એટલે : સદર્હૂ કમિરાનર, અથવા ઉપર કહેલો બિજો અંમલદાર તેનો પટો લેઇલે, અને બસેં રૂપિયા સુધી તેને દંડ કરે, એ વાતને તે પાત્ર થરો.

પરચુરણ વેચનારને તંબાકુ પોંહોંચેતે સધળા તંબાકુનું વજન વગેરે તેણે ચોપડીમાં નોંધવું. ચોપડી જોવી.

૧૫. તંબાકુ પરચુરણ વેચનારને સદર્હૂ પ્રકારની દુકાંનમાં, અથવા વેચવાની જગામાં જે દાહાડે તંબાકુ પોંહોંચે તેજ દાહાડે તેણે તે તંબાકુ બાબત હેઠળ લખ્યા પ્રમાણે નોંધ કરવી એટલે : નોંધવાસારૂ ચોપડી રાખી હોય તેમાં તે તંબાકુનું વજન, તથા જે દાહાડે પોંહોંચ્યો હોય તે દાહાડો, અને જે માંણુસની પાસેથી, તથા જે જગાએથી પોંહોંચ્યો હોય તેનું નામ લખવું. અને જકાતના, તથા મીઠાંના, તથા અફીણના કમિરાનરને, અથવા સદર્હૂ પ્રકારના બિજા અંમલદારને, અથવા કમિરાનરે, અથવા સદર્હૂ પ્રકારના અંમલદારે જે માંણુસને તે ચોપડી તપાસવાનો અધિકાર આપ્યો હોય તેને તે ચોપડી તપાસવા દેવા સારૂ બુલ્લી રાખવી. અને કમિરાનર, અથવા બિજો અંમલદાર, અથવા સદર્હૂ પ્રકારનો માંણુસ તે ચોપડી તપાસે ત્યારે તેને પોતાની નજરમાં આવે તેવો તેમાં રોરો લખવાનો, અથવા તેમાંથી કંઈ ઉતેખાભ ઉતારી લેવાનો અધિકાર છે. અને આ કલમના ઠરાવ પ્રમાણે ચાલવાને કોઈ પરચુરણ વેચનારો ગફલત કરરો, અથવા ના કેહેરો તો, તે દર એક ગુન્હા બાબત હેઠળ લખેલી વાતને પાત્ર થરો એટલે : સદર્હૂ કમિરાનર, અથવા ઉપર કહેલો બિજો અંમલદાર તેનો પટો લેઇલે, અને બસેં રૂપિયા સુધી તેને દંડ કરે એ વાતને તે પાત્ર થરો.

ઝાડો લેવાનું વારંટ.

૧૬. કોઈ ઈમારતમાં, અથવા જગામાં આ આક્ટના ઠરાવ પ્રમાણે તંબાકુ રાખ્યો હોય, તે ઈમારત માં, અથવા જગામાં સુરજ ઉગે ત્યારથી તે સુરજ આથમે ત્યાંહાં સુધીમાં પેસીને ઝાડો લેવા બાબત ; અથવા કૂલાંણી ઈમારમાં, અથવા જગામાં તંબાકુ આ આક્ટના ઠરાવ વિરૂદ્ધ રીતે રાખ્યો છે એવી ભરોસો આવવા લાએક ખબર (એ ખબર લખી લેવી) કમિરાનરને અથવા ઉપર કહેલા બિજા અંમલદારને મળી હોય, તે ઈમારતાં, અથવા જગામાં સુરજ ઉગે ત્યારથી તે સુરજ આથમે ત્યાંહાં સુધીમાં પેસીને ઝાડો લેવા બાબત ; અને જે તંબાકુ, અથવા બિજી જનસ આ આક્ટ પ્રમાણે સરકાર દાખલ થવાને પાત્ર હોય તે પકડીને ત્યાંહાંથી લેઈજવા બાબત ; હરકોઈ સરકારી કામદારને પોતાની સહી મોહોરનું વારંટ આપવાનો અધિકાર જકાતના, તથા મીઠાંના, તથા અફીણના કમિરાનરને, અથવા ઉપર કહેલા બિજા અંમલદારને છે. જે ઈમારતનો, અથવા જગાનો ઝાડો લેવો હોય તે ઈમારત, અથવા જગા વારંટમાં લખવી જોઈએ.

પકડીને અટકાવી રાખવાનો અધિકાર. વાહન વગેરેનો ઝાડો લેવો.

૧૭. આ આક્ટ પ્રમાણે જે તંબાકુ સરકાર દાખલ થવાને પાત્ર હોય, તે તંબાકુ લેઈજનારાં માંણુસને, અથવા જેને સ્વાધીન તે તંબાકુ હોય તેને પકડીને અટકાવી રાખવાનો અધિકાર ; અને હરકંઈ પાત્ર, અથવા ગાંસડી અટકાવીને તેનો ઝાડો લેવાનો અધિકાર ; અને કોઈ બોટમાં, અથવા વાહનમાં સદર્હૂ પ્રકારનો તંબાકુ હોય, અથવા જતો હોય, અથવા તેમાં સદર્હૂ પ્રકારનો તંબાકુ છે, અથવા જાએ છે એવું લાગતું હોય તે બોટ, અથવા વાહન અટકાવીને તેનો ઝાડો લેવાનો અધિકાર જકાતના, તથા મીઠાંના, તથા અફીણના કમિરાનરને, અથવા ઉપર કહેલા બિજા અંમલદારને, અથવા હર કોઈ સરકારી કામદારને કમિરાનરે, અથવા સદર્હૂ પ્રકારના અંમલદારે અખ્તયાર આપ્યો હોય તેને છે.

કાયદા વિરૂધ્ધરીતે આંણેલો, અથવા એક ઠેકાંણેથી બિજે ઠેકાંણે લેઈજવામાં આવરો, અથવા રાખ્યાંમાં આવરો, અથવા સદર્હૂ રોહેરમાંનું કોઈ માંણુસ આ આક્ટના ઠરાવ વિરૂધ્ધ તેમાંનો કંઈ તંબાકુ વેચતું હોય, અથવા વેચવા કાહાડતું હોય તેના કબજામાં તંબાકુ જડે તે તંબાકુ, અને તે તંબાકુ જે વાસણમાં હોય તે વાસણ, અને તે તંબાકુ લેઈ જવા સારૂ જે વાહનનો, અથવા બોટનો, અથવા જનાવરનો ઉપયોગ તેના ધણીના, અથવા તેના ચાકરના અનુમતથી, અથવા તેઓ જાંણે તેમ કરવો હોય તે વાહન, અથવા બોટ, અથવા જનાવર સરકાર દાખલ થવાને પાત્ર થરો. પણ એવું ઠરાવ્યું છે કે માલ સરકાર દાખલ કરવાની સજા આ કલમમાં ઠરાવી છે તેને બદલે માલની કિંમતસુધી દંડ ઠરાવીને તેસજા કમી કરવાને ઇનસાફ કરનાર અંમલદાર મુખ્તયાર છે. અને જે માલ સરકાર દાખલ થવાને પાત્ર હોય તે જરૂર પડે તો વેચીને સદર્હૂ પ્રકારનો દંડ વસૂલ કરી લેવો.

સજા ઓછી કરવી.

જે માણસ કાયદા વિરૂદ્ધ રીતે તંબાકુ લાવશે, અથવા એક ઠેકાણેથી બિજે ઠેકાણે લેઈ જશે, અથવા વેચશે, અથવા કબજામાં રાખશે તેને સજા થશે.

પટો રદ કરવો.

દંડ વસૂલ કરવો, અને માલ સરકાર દાખલ કરવાનો ઠરાવ કરીને વેચવો.

અર્થ.

૧૯. કોઈ માણસ સદર્હૂ શેહેરમાં કાયદા વિરૂદ્ધ રીતે તંબાકુ લાવશે, અથવા એક ઠેકાણેથી બિજે ઠેકાણે લેઈ જશે, અથવા વેચશે તે ; અથવા આ આક્ટ પ્રમાણે સરકાર દાખલ થવાને જે તંબાકુ પાત્ર હોય તે તંબાકુ કોઈ માણસ જાણી જોઈને પોતાના કબજામાં રાખશે તે, તંબાકુની દસગણી કિંમત સુધી દંડને પાત્ર થશે. અને જે માણસને પરચુરણ વેચવાનો પટો મળ્યો હોય તે માણસ ગુન્હેગાર હોય તો, તે હેઠળ લખેલી વાતને પાત્ર થશે એટલે : જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનર, અથવા ઉપર કહેલા બિજા અંમલદાર તેનો પટો લેઈલે, એ વાતને તે પાત્ર થશે.

૨૦. આ આક્ટ પ્રમાણે માલ સરકાર દાખલ કરવો હોય તેનો ઠરાવ કરવાને, અને દંડ લેવો હોય તે વસૂલ કરવાને મુંબઈ શેહેરનો હરકોઈ પોલીસ માજીસ્ટ્રેટ મુખ્તયાર છે. કુલાંણો માલ સરકાર દાખલ કરવાને પાત્ર છે એવો ઠરાવ કીધો હોય તે માલ, માજીસ્ટ્રેટનાં વારંટ ઉપરથી વેચવો.

૨૧. આ આક્ટ માંહેના હેઠળ લખેલા શબ્દોનો, તથા વાક્યોનો અર્થ આ કલમમાં કહ્યા પ્રમાણે સમજવો ; પણ તેવા અર્થને અન્વય ઉપરથી બાધ આવતો હોય તો, તેવો અર્થ કરવો નહીં.

"મુંબઈ શેહેર" આ શબ્દોમાં મુંબઈ, તથા કુલાબા ટાપુ માંહેનાં સર્વ ઠેકાણાંનો સમાસ થાય છે એવું સમજવું.

એકવચની શબ્દોમાં અનેકવચનનો, અને અનેકવચની શબ્દોમાં એકવચનનો સમાસ થાય છે એવું સમજવું.

પુલ્લિંગી શબ્દોમાં સ્ત્રિઓનો સમાસ થાય છે એવું સમજવું.

પરિશિષ્ટ નિસાણી ૨૫.

પરવાનગી ચિઠ્ઠીનો નમુનો.

નંબર.

સન ——— ના ——— મહીનાની ——— તારિખે સુરજ ઉગે ત્યારથી તે સુરજ આથમે ત્યાંહાં સુધી હેઠળ લખ્યો છે તેટલો તંબાકુ માંડવીમાંથી, અથવા પટાવાળી વખારમાંથી, અથવા કાલબાદેવીના રસ્તા ઉપરની ——— નંબરની દુકાનમાંથી કાહાડીને બજારના રસ્તા ઉપરની ——— નંબરની વખારમાં, અથવા દુકાનમાં લેઈ જવાની પરવાનગી ૨૫. ૫. ને આપી છે.

સહી.

જકાતના, તથા મીઠાંના, તથા અફીણના કમિશનર.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

1321.

SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 9TH APRIL 1857.

Legislative Council.

7th March 1857.

The following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee, who are to report thereon after the 11th of May next:—

A Bill for Extending the Jurisdiction of the Courts of Criminal Judicature of the East India Company in BENGAL, for Simplifying the Procedure thereof, and for Investing other Courts with Criminal Jurisdiction.

Preamble.

Whereas it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the territories under the Government of the Lieutenant Governor of Bengal as are subject to the general Regulations of the Bengal Code; It is hereby enacted as follows:—

Territorial scope of Act.

1. This Act shall extend only to such parts of the territories under the Government of the Lieutenant Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

Chapter I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Calcutta shall possess the appellate and other criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

Chapter II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following:—

COURTS OF SESSION;
COURTS OF THE MAGISTRATES;
SUBORDINATE COURTS; namely—
Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division, in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor General in Council shall from time to time pass.

Declaration on entering upon office.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and

subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

"I, *A. B.*, appointed of the Court of do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers.

7. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

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

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

Session Court to have jurisdiction over all offences, under the Penal Code, or under any special or local law.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Exclusive jurisdiction as to certain offences.

10. The Session Court exclusively shall have jurisdiction in respect of—

1*st*. Offences entered in Schedule A of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII. Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II., whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorised as such officer, to investigate or report on any matter of law or fact;

Every head jailor;

Every darogha of police;

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

Magistrates, their jurisdiction as to offences.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Subordinate Criminal Courts; their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A of the Code of Procedure as triable by those Courts respectively.

Session Court not to pass sentence in cases punishable with death.

13. In cases tried by the Courts of Sessions in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court may direct transfer of a criminal case.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Magistrates; their penal jurisdiction.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts; first class, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts, second class; their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

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 Clauses 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.

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

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorised to hold the preliminary inquiry into cases triable by the Session Courts, 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.

Chapter III.

PRELIMINARY RULES.

Complainants and witnesses to be examined without oath, affirmation, or warning.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

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

2. No person whatever shall, by reason of place of birth, or by reason of descent, be exempted from the rules of Criminal Procedure.

Chapter IV.

OBTAINING A SUMMONS OR WARRANT.

Proceeding to compel appearance.

1. Where an offence has been committed, or is suspected 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 preliminary inquiry concerning the same, may be by summons or arrest.

Summons.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Arrest.

3. The proceeding by arrest may be either—

(1.) By warrant;

(2.) Or by a private person without warrant;

(3.) Or by an officer without warrant.

Complaint.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

To be reduced into writing and signed.

5. Every complaint made before a magistrate or darogha of police, 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 darogha of police issuing the summons or warrant.

Magistrate how to proceed on complaint.

6. Upon such complaint duly made before a magistrate, 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 Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Darogha of police how to proceed on complaint.

7. Upon such complaint duly made before a darogha of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such darogha there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

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

8. Every summons issued by a magistrate or darogha of police to a person so accused shall be in writing, under the hand and seal of the magistrate or darogha of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a darogha of police, to appear before such darogha at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons how to be served.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Notwithstanding summons, warrant may issue in certain cases.

10. A magistrate or darogha of police 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.

Warrant when grantable for an offence committed beyond local jurisdiction.

11. A magistrate of one district or darogha of one division may grant a warrant for the appresion 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.

Where an offence may be investigated and tried in

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which

one of two or more jurisdictions.

have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether within the same Presidency or under the same Lieutenant Governor or not, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. 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 of 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 of 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.

Receiving, &c. stolen property.

17. 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.

Unlawfully receiving property.

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

Escape from lawful custody under sentence.

19. Any offender 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 where he shall be apprehended and retaken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. 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.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged, or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article 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 mentioned, 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.

What is a district, and what a division.

23. 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 moonsiff or darogha of police be deemed a division; provided that nothing herein contained shall be held as authorising a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX. Article 1 of this Act.

Chapter V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name, or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorised to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a darogha or nazir.

5. A warrant directed to a darogha of police or to a nazir may be executed by any officer subordinate to such darogha or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. 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.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorised to execute a warrant, aid him in executing the same, if the person so authorised be near at hand, and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place be within the same Presidency or under the same Lieutenant Governor 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 who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII. Article 7 or Chapter XV. Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution, in the same manner as if the warrant had originally issued from himself. On such person being apprehended and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

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

12. If a person, for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV. Article 11, is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorised by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate, if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of *the Sudder Court.*

Darogha how to proceed in such cases.

13. If the warrant under Chapter IV. Article 11 shall have been granted by a darogha, the darogha shall send the person arrested to the magistrate to whom such darogha is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another division of the district in which the division of the darogha who granted the warrant is comprised; in such case the darogha who granted the warrant shall send the person

arrested to the darogha of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant how to be executed.

16. 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 words or actions.

No unnecessary restraint.

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

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warranted is directed that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If, on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorised to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavour to arrest.

21. If, after notice by one authorised by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavour to arrest him, the person so authorised is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorised by warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer 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.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorised by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any 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.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, 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 precaution as may be necessary to prevent the escape of the accused, and shall endeavour to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to excute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and excute the process entrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

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

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the mean time, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

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

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise, or otherwise, to make any disclosure, but shall, when necessary, apprise him of the cause of arrest, and leave him free to speak or keep silence; and no such officer

or other person shall after such arrest 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 VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence, for which a warrant may issue on complaint, is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. 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 a recent offence,

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or darogha of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the 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.

6. 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.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to 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.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

Chapter VII.

OF ESCAPE AND RETAKING.

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

1. If a person lawfully arrested on a criminal information 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 on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to retake any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

Chapter VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the police darogha within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a darogha may, in the event of the darogha not being able to proceed in person, be executed by any officer subordinate to such darogha, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

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

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings, place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

Search warrant when grantable by a darogha.

5. Whenever a darogha shall consider that the production of any thing or things 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 or things in any dwelling or dwellings, place or places, 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 or things in such dwelling or dwellings, place or places.

How to be executed.

6. The darogha 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 burkundaz.

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

7. A darogha may require the darogha of another division, 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.

Representations regarding anything for which search is to be made to be sent to magistrate.

8. The darogha, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

When the search is to be made.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

Breaking of door.

10. If the door 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.

11. 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.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner 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.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, 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 despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Chapter IX.

PRELIMINARY INQUIRY BY THE POLICE.

Offences into which the police officers may not inquire without special authority.

1. A darogha of police shall not inquire into any of the following offences, punishable under the Penal Code, unless specially authorised by the magistrate to do so, namely—

Offences under Chapter IX.; provided that it shall be competent to a darogha to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X., except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI.; provided that it shall be competent to a darogha to inquire into any offence under Chapter X. committed in contempt of his own authority.

Offences under Chapter XI., except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV., except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI., Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII., Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

When the darogha may issue his warrant.

2. Upon complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for the darogha to issue his warrant to apprehend such person, and to cause him to be brought before such darogha.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such darogha before whom such a complaint is made, instead of issuing

his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such darogha.

When darogha shall issue summons.

4. Upon a complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence into which he is authorised to inquire, and which is punishable with imprisonment for a period not exceeding six months, the darogha shall issue his summons to such person, requiring him to appear before such darogha.

When the darogha may stay issue of process.

5. In the event of its appearing to the darogha that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the mean time suspended. On the receipt of the darogha's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the darogha to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the darogha shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Darogha may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a darogha from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorised to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the darogha or other police officer to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other daroghas, 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 Lieutenant Governor or not.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the darogha, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a darogha or other police officer to examine a person accused of a criminal offence, or to reduce to writing any admission or confession, of guilt which he may propose to make.

Inquiry by the police.

11. The darogha, or other police officer, shall complete the inquiry with as little delay as possible, and if the darogha himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the darogha, who 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.

12. Provided that it shall not be lawful for the darogha or other police officer to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided, also, that it shall be competent for a darogha or other police officer, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The darogha shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Darogha how to proceed in cases of deficient evidence.

13. If it shall appear to the darogha that there is not sufficient evidence 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.

Proceedings of the darogha of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the darogha shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The darogha shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognisance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A as *not bailable shall not be admitted to bail; provided that* 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 darogha shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the darogha 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; 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.

17. 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.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, 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 recognisance to appear before the magistrate.

19. 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 thither 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.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognisances; but if any witness shall refuse to attend, or to execute the recognisance directed in the last preceding Article, it shall be competent to the darogha to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

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

21. The powers to be exercised by the darogha 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 burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognisable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorised cognisance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognisance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate; but it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How darogha is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorised to receive cases coming within its jurisdiction on the report of a police officer, the darogha shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

Chapter X.

OF CONTEMPTS, AND DISOBEDIENCE OF ORDERS.

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

1. When any such offence as is described in Clause 39 of Chapter XI. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the said Clause.

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

2. When any of the offences described in Chapter X. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

Punishment may be remitted on submission of the offender.

Chapter XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any Criminal Court; also to withdraw such charge, and to file another.

Advocate General may file criminal charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

To follow the rules relating to charges.

Chapter XII.

PROSECUTIONS IN CERTAIN CASES.

1. Charges of offences punishable under Chapters VI. and VII. 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 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.

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

2. 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 Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

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

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI. of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

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

4. When a court of justice, judge, or magistrate, 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 two preceding Articles, the court, or judge, or magistrate, 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; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognisance, and to try such person upon its own charge.

Mode of proceeding in cases mentioned in the two last preceding Articles.

Chapter XIII.

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

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

1. 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 Schedule A 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; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II. Article 10 Clauses 3, 4, and 5, relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

2. 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 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 induce the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

Postponement of issue of process.

May dismiss the complaint.

3. It shall be at 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 direct bail to be taken.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear

Magistrate may dispense with the personal attendance of the accused.

by an agent duly authorised to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, 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. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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 six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord purpose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

19. The examination of the defendant, 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, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, 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 defendant's statement. No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Examination to be admitted as evidence on the attestation of the magistrate.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which, from the evidence, he may appear to have committed.

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

21. 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.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of housebreaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in, or privy to, the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

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

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person 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.

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

26. In like manner it shall be competent to a Session Court, 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.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

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

When may be taken.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A of this Code of Procedure, such person shall not be admitted to bail, provided that 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 bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A of this Code of Procedure, he shall at once be admitted to bail.

Recognisance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognisance in such sum of money as the magistrate shall think sufficient is to 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 at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. 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.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. 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 gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. 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 in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. 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, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known; but if it be not known, then a description of his person, stating the refusal to tell his name; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol; and if he

be not, with his deputy; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

41. 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 that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; 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 a recognisance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

When magistrate may adjourn the inquiry.

Discharge of the Defendant.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

When defendant to be discharged.

Commitment, &c. of the Defendant for Trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant 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.

When defendant to be committed for trial.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty 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 Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Copy of charge to be furnished to defendant.

Witnesses for the defence on the trial.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Copies of depositions to be furnished to defendant.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

Warrant of commitment.

Chapter XIV.

ON THE CHARGE.

1. When the magistrate has resolved to send the defendant 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 defendant is charged, and within the cognisance of what court the offence is, and shall direct that the defendant be tried by the said court on the said 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.

What the charge is to contain.

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

How the offence is to be described.

3. 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 the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

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

4. 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 defendant 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.

Evidence as to General Exceptions.

5. Where the Chapter and Clause 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 Clause, without a distinct denial of the existence of such circumstances.

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

6. The charge may contain one or more heads.

Charges containing One Head.

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

Heads of charge.

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 has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of Penal Code *(c)*, and within the cognisance of the [*style of the Court*].

On Clause 1 Chapter VI.

(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)*,
within my cognisance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*:

(2.) That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code.

On Clause 4 Chapter VI. applied to Clauses 3 Chap. VI. and 28 Chapter XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4.) That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 1 Chap. IX.

(5.) That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6.) That he has abetted the commission of suicide by a person in a stute of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7.) That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8.) That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9.) That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10.) That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11.) That he, being a public servant in the post office department, and being, as such, entrusted with the keeping of a packet, has committed criminal breach of trust, by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under
and within the cognisance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII. of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 81 Chapter XVII. of the Penal Code.

On Clause 81 Chap. XVII. applied to Clauses 2 and 80 of the same Chapter.

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

Charges containing Two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

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

Two or more offences punishable under the same Clause.

10. 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 Clauses of the Penal Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause 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 Clauses, or charging respectively each of such offences accordingly.

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

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

Form of charge of more than one head.

Forms of Charge.

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

First. That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 13 and 14 Chapter XII.

Secondly. That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 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 intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. 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 knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 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.*]

First. That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 4 and 6 Chapter XVI.

Secondly. That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 4 Chapter XVII.

Secondly. That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Thirdly. That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. That he has 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 has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 28 Chapter XVII.

Secondly. That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 Clauses of the Penal Code.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

Amendment of charge.

13. 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 defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When the trial may be immediately proceeded with after amendment.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant 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

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

whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

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

Chapter XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

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

Cases in which magistrate may issue a warrant.

1. 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.

Postponement of issue of process.

2. 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 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 induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

Magistrate may direct bail to be taken.

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

Magistrate may dispense with personal attendance of accused.

4. 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, whether in a district within the same Presidency or under the same Lieutenant Governor or not, 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation, requiring the absent party to appear to answer the complaint within a fixed period not less than one month 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. In case the party does not appear,

Attachment of property.

and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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.

Property after six months to be at the disposal of Government.

If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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 the 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any witness shall refuse to answer such questions concerning the premises 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 such witness to custody for any term not exceeding seven days, unless he shall in the mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties, and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case as referred to in Article 1 of this Chapter is brought before a magistrate, 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall, of his own accord, propose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

20. The examination of the defendant, 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, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it, at the foot of the examination; and whether the defendant signs it or not, 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 defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

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

22. 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.

Bail, and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII. Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII. Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV. of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

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

Evidence for the defence.

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, 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.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant 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.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other 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 XIII. for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

Chapter XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

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

Summons shall issue.

1. 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 Chapter XV. of this Code of Procedure, 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.

When warrant may issue.

Service of summons.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certfy the service of the said summons.

When magistrate may refuse summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate 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.

If summons be not obeyed, warrant.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and 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, then it shall be lawful for such magistrate, if he shall *think fit, upon* declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

Magistrate may dispense with personal attendance of accused.

5. The magistrate may, if he see 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

Summons to witness to attend and give evidence.

6. 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 defendant in any case which may be tried according to the rules of this Chapter, 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.

Diet money for witnesses.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, 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.

Magistrate may summon necessary evidence.

8. 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.

Application of previous rules.

9. The provisions of Chapter XV. Articles 8, 9, and 10, shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Bail.

Defendant may be admitted to bail, or to be at large upon personal recognisance.

10. If, upon the day and at the place appointed, the defendant 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 defendant 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. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII. Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Appearance, Examination of Parties, and Evidence.

Non-appearance of complainant.

11. If, upon the day appointed for the appearance of the defendant, 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,

Admission by defendant of truth of complaint.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, 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.

Proceeding when no such admission is made.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant, and such witnesses as he may examine in his defence; and, having heard the parties and their witnesses, shall consider the whole matter, and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Adjournment.

15. 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 defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant; and if the complainant shall not appear, the magistrate shall dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV. for the preferring of criminal charges, and in Chapter XV. Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant 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 defendant 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 gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Chapter XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. 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.

2. 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 referred, and the witnesses shall be directed by the summons to attend at such Court.

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

3. 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.

4. 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 stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or, if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evidence, as if no proceedings had been held in any other Court.

Mode of proceeding in cases beyond jurisdiction.

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

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

Chapter XVIII.

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

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that, during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

Place where investigation made, an open Court.

Chapter XIX.

OF RECOGNISANCE AND SECURITY TO KEEP THE PEACE.

1. 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, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's 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 from the time of the prisoner's discharge, 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 Session Court.

Personal recognisance to keep the peace in cases of conviction.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognisance of the party, it shall also be lawful to the Court passing the final sentence or order to direct 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 Session Court.

Security to keep the peace.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognisance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognisance may not have been convicted of any specific offence.

Personal recognisance without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognisance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

Security without conviction.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and, in default of such recognisance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognisance and security, as well as the number of sureties which should in his judgment be requir-

For more than one year.

ed, and the period for which the recognisance and security should be required, which, however, shall in no case exceed three years. If the party shall not furnish the recognisances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them, and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognisance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

Imprisonment not to exceed period of recognisance and security.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognisance and securities have been required from him.

When magistrate may release persons under requisition of security.

8. 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 to keep the peace, whether by their own orders or by those of any other person exercising the powers 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.

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

How persons who have become sureties may discharge themselves.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become reponsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty of personal recognisance.

11. Whenever it may be proved before the magistrate, that any such recognisance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognisance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty by sureties.

12. Whenever it may be proved before the magistrate, that any such recognisance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XX.

SECURITY FOR GOOD BEHAVIOUR.

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

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property, knowing the same to have been stolen, 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.

2. 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 Session Court.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, 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 and equitable.

Session Court may require security not exceeding three years.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

What the order for security is to contain.

5. In every instance in which security for good behaviour may be required by the Session Court, 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.

6. In the event of any person required to give security under the provisions of the foregoing Articles 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.

7. 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.

8. 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 Session Court, 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 may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties, may at all times obtain a discharge from their future responsibility, by delivering up, or causing to be delivered up, the parties for whom they may have become responsible, to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor General in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such order; and the said Governor General in Council may from time to time revoke or alter such order.

Trial by jury, before the Session Court, of registered persons.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor General in Council may see fit to extend this rule, registered according to such rules as the Governor General in Council shall prescribe, is the defendant,

How the jury is to be constituted.

or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Joinder of registered and non-registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered and the remaining half non-registered persons.

Number of which the jury is to consist.

5. In all trials before the Session Judge, the jury shall consist of not less than three, nor more than nine persons; and unanimity, or a majority of not less than two-thirds

Number of voices necessary to a verdict of guilty.

with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Jury not to consist of less than three.

6. Provided that the jury shall in all cases consist of such number of persons, not less than three, as the Governor General in Council shall from time to time direct.

Trials before the Session Court with assessors.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court 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 assessors, and shall be liable to be summoned accordingly.

Sudder Court to make rules in regard to jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall, before they are issued, have received the sanction of the Governor General of India in Council.

Chapter XXII.

TRIALS BEFORE THE SESSION COURTS.

Cognisance of offences by the Session Court in original jurisdiction.

1. Except in the cases referred to in Chapter XII. Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognisance of any offence, but upon a charge preferred by the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

5. If the defendant plead "guilty," the judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

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

6. If the defendant 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.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the judge, 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 and signed by him in the presence of the judge. In case the witness shall refuse to sign the deposition, the judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the judge shall think fit to make. It shall be at the discretion of the judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the judge upon the objection. The judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2, or Chapter XII. Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at 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.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

14. The defendant 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 or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV. Article 14.

Witnesses for the defence.

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

Adjournment.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given separately and recorded. 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.

Delivery of opinions of assessors.

Of verdict of jury.

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

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars, in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

Chapter XXIII.

SUDDER COURT.

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the Court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

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

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall 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.

Hearing of case referred, tried by jury.

Chapter XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a *majority consisting of six, seven, eight, as the case* may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

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

Form of finding and sentence.

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 of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of the Penal Code; and the Court directs that the said Z [*sentence*].

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

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty—

3*rd*. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code, the Court directs that the said Z be [*sentence*].

4*th*. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5*th*. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more 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—

6*th*. The Jury (*or* the majority of the Jurors consisting of of their number, as the case may be) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 abovementioned Clauses, and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials with Assessors—

7*th*. The Court, concurring with the Assessors (*or* one or more of the Assessors), finds that Z is guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be [*sentence.*]

8*th*. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be discharged.

9*th*. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge; namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code; and the Court directs that under the provisions of the abovementioned Clauses and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors—

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

11*th*. 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 Clause 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—

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

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

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses 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.

7. Where 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.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, 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.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate 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.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, 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 like manner, 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 XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, 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 Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calen-

dars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it think fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by Jury in the Session Court, 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 Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the 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. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Chapter XXVI.

APPEALS.

No appeal in cases of acquittal.

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

Appeal in cases of conviction.

2. An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, 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.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of Subordinate Courts.

10. It shall be at all times lawful for a Session Judge 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 regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing 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 also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st. The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd. The term "Bailable or not," in Column 3, is to be taken in connection with the provisions of Chapter XIII. Articles 28 and 29 of the Code of Criminal Procedure.

3rd. No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th. The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

Chapter V.—OF PRINCIPALS AND ABETTORS.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
5	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence penalties.....	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence..	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment..	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	
14	Abetting the commission of an offence by the public, or by more than ten persons.	Idem	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem not exceeding 7 years, and fine.	
	If the offence be not committed	Idem	Idem	Idem not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	

	If the offence be punishable with death or transportation	Not bailable	By the Session Court.....	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.....	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ¼ of the longest term, or fine, or both.	

Chapter VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable.....	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.....	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added; or fine simply.	
6	Waging war against any Asiatic power in alliance or at peace with the East India Company, or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added; or fine simply.	
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.	
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.	
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.	
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny, or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.	
2	Abetment of mutiny, if mutiny is committed in consequence thereof..	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY *(continued)*.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
4	Abetment of such assault, if the assault is committed	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
5	Abetment of the desertion of an Officer, Soldier, or Sailor	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception.*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.	
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.	

Chapter VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem.	Idem.
8	Rioting, armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place, not giving notice to the Police, or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

Chapter IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant.	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property	Idem	Idem	Idem	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant, with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

Chapter X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500 or both.	
	If summons or notice require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c. in a Court of Justice	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If the notice or information required respects the commission of an offence, &c.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 1.
15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorised sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Chapter XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Idem.	Idem.
8	Using as a true certificate one known to be false in a material point	Idem	Idem	Idem.
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.
10	Using as true any such declaration known to be false	Idem	Idem	Idem.
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.
	If punishable with less than fourteen years' imprisonment	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term, and fine, or both.
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate.	Imprisonment of either description to 6 months, or fine, or both.
13	Giving false information respecting an offence committed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court.	Idem not exceeding 3 years, or fine, or both.
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.
18	Fraudulently suffering a decree to pass for a sum not due, or suffering a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
19	Fraudently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital, or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender, if the offence be capital	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court.	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If with imprisonment less than fourteen years.....	Bailable	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem	Session Court.....	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment to one year and not to fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.				
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Idem.	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court.....	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court.....	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to fourteen years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than fourteen years	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant....	Idem	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to fourteen years.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative; Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.....	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for fourteen years or upwards.	Idem	Idem	Idem	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, and also liable to fine, and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
9	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.
11	Having any counterfeit Coin, known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.
12	The same with respect to the Queen's or Company's Coin.....	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine, not exceeding 10 years, and fine.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
13	Knowingly delivering to another any counterfeit Coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	Not Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by Law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight, or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight, or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.	
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	Delivering it as genuine, or as a Coin of a different description	Idem	Idem	Idem not exceeding 5 years, also fine.	
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.	
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.	
26	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.	
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.	
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.	
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.	
30	Sale of counterfeit Government Stamp	Idem	Idem	Idem not exceeding 7 years, also fine.	
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.	
32	Using as genuine a Government Stamp known to be counterfeit	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it, with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	
34	Using a Government Stamp known to have been before used	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
35	Erasure of mark denoting that Stamp has been used	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	

Chapter XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
3	Fraudulent use of false weight or measure	Idem	Idem	Idem.	
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem.	
5	Making or selling false weights or measures for fraudulent use	Idem	Idem	Idem.	

Chapter XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man, knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale, or issuing from a dispensary, any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
10	Defiling the water of a public spring or reservoir	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months; or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	
16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
18	So dealing with any explosive substance	Idem	Idem	Idem.	
19	So dealing with any machinery	Idem	Idem	Idem.	
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling to pull it down or repair it.	Idem	Idem	Idem.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c., of obscene books, &c. *Exception.*—Not to extend to any representation on or in any Temple, or on any car used for the conveyance of idols.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
25	Having in possession obscene books, &c., for sale or exhibition	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

Chapter XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship, or sacred object, with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem	Idem	Idem	Idem.
5	Uttering any word of making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

Chapter XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life	Idem	Idem	Death.	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane, or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding fourteen years, and also fine.	

8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
10	Attempt to commit murder, and doing any act, &c. with such intention, or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If the woman be quick with child	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
15	Causing miscarriage without woman's consent	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Idem not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.

Chapter XVI.—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Of Hurt (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 14 years, also liable to fine.	
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.....	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation; not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life, or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of Wrongful Restraint, and Wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.	
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.	

48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.	
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Idem	Idem	Idem.	
51	While keeping a person in wrongful confinement, omitting to furnish him with anything necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Of Criminal Force and Assault.

55	Using criminal force otherwise than on grave provocation	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.	
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
57	Using criminal force in attempt to murder	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
59	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.	
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.	
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
62	Using criminal force on grave and sudden provocation	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.	
63	Assault in cases not specially provided for, when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.	

Of Kidnapping, Forcible Abduction, Slavery, and Forced Labour.

68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage, or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves	Not bailable	Idem	Idem.	
76	Unlawful compulsory labour	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine	Cumulative.

Of Rape.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by clerk or servant of property in possession of master or employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Idem	Session Court	Idem not exceeding 5 years, also liable to fine.

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.
16	Voluntarily causing hurt in committing or attempting to commit robbery, to any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
18	Murder in dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
19	Robbery or dacoity with attempt to cause death or grievous hurt	Idem	Idem	Imprisonment not less than 7 years.
20	Attempt to commit robbery or decoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.
24	Being one of five or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's one use.	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY (*continued*).

Of Criminal Breach of Trust.

Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
29	Criminal breach of trust by a clerk or servant	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.	

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen	Not bailable	Session Court, when the value of the property, which is the subject of the offence, exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.	
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
34	Habitually dealing in stolen property	Idem	Idem	Idem.	
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	

Of Cheating.

38	Cheating	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.

Of Mischief.

49	Mischief	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage, attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful, a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel, or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY (*continued*).

Of Criminal Trespass.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
69	Criminal trespass	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-trespass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year, added to one-third of the longest term for the offence intended, and also fine.	
75	House-trespass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking.	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years, added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to a fine.	
85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both	Idem.

Chapter XVIII.—OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Forgery or using a forged document with intent to injure or deceive	Idem	Idem	Idem.
5	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
8	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
10	Uttering or using as genuine a forged document which is known to be forged.	Idem	Idem	As for forgery.
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
13	Having possession of a valuable security or will, knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
17	Fraudulently destroying or defacing, or secreting a valuable security	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.

Of Trade and Property-Marks.

22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c. of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.

Of Trade and Property-Marks (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Making use of any such false mark	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury	Idem	Idem	Idem.	

Chapter XIX.—THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.	
2	A seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.	
3	Being bound to attend on, or supply the want of, a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200, or both.	
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service, or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.	

Chapter XX.—OFFENCES RELATING TO MARRIAGE.

1	A man, by deceit, causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
2	A woman committing the same offence with a man	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.	
3	Marrying again during the lifetime of a husband or wife	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to to fine.	
5	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.	
6	Adultery	Idem	Session Court or Magistrate	Imprisonment of either description not exceeding 5 years, or fine, or both.	
7	Enticing or taking away a married woman	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter, knowing it to be defamatory.....	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem.

Chapter XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
	If threat be to cause death or grievous hurt, &c.....	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
3	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.
5	Uttering any word, or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.
6	Appearing in a public place, &c. in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.

Chapter XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.

W. MORGAN,
Clerk of the Council.

Printed for Government, by JOHN FERTH, at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

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SECOND SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 9TH APRIL 1857.

Legislative Council.

7th March 1857.

The following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee, who are to report thereon after the 14th of May next:—

A Bill for Extending the Jurisdiction of the Courts of Criminal Judicature of the East India Company in the NORTH-WESTERN PROVINCES for Simplifying the Procedure thereof, and for Investing other Courts with Criminal Jurisdiction.

Preamble.

Whereas it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in the North-Western Provinces, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the territories under the Government of the Lieutenant Governor of the North-Western Provinces as are subject to the general Regulations of the Bengal Code; It is hereby enacted as follows:—

Territorial scope of Act.

1. This Act shall extend only to such parts of the territories under the Government of the Lieutenant Governor of the North-Western Provinces as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

Chapter I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Agra shall possess the appellate and other criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

1*

Chapter II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following:—

COURTS OF SESSION;
COURTS OF THE MAGISTRATES;
SUBORDINATE COURTS; namely—
Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division, in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor General in Council shall from time to time pass.

Declaration on entering upon office.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and

subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

"I, *A. B.*, appointed of the Court of do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers.

7. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

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

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

Session Court to have jurisdiction over all offences, under the Penal Code, or under any special or local law.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Exclusive jurisdiction as to certain offences.

10. The Session Court exclusively shall have jurisdiction in respect of—

1*st*. Offences entered in Schedule A of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII. Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II., whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorised as such officer, to investigate or report on any matter of law or fact;

Every head jailor;

Every darogha of police;

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

Magistrates, their jurisdiction as to offences.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Subordinate Criminal Courts; their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A of the Code of Procedure as triable by those Courts respectively.

Session Court not to pass sentence in cases punishable with death.

13. In cases tried by the Courts of Sessions in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court may direct transfer of a criminal case.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Magistrates; their penal jurisdiction.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts; first class, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts, second class; their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

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 Clauses 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.

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

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorised to hold the preliminary inquiry into cases triable by the Session Courts, 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.

Chapter III.

PRELIMINARY RULES.

Complainants and witnesses to be examined without oath, affirmation, or warning.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

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

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

Chapter IV.

OBTAINING A SUMMONS OR WARRANT.

Proceeding to compel appearance.

1. Where an offence has been committed, or is suspected 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 preliminary inquiry concerning the same, may be by summons or arrest.

Summons.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Arrest.

3. The proceeding by arrest may be either—

(1.) By warrant;

(2.) Or by a private person without warrant;

(3.) Or by an officer without warrant.

Complaint.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

To be reduced into writing and signed.

5. Every complaint made before a magistrate or darogha of police, 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 darogha of police issuing the summons or warrant.

Magistrate how to proceed on complaint.

6. Upon such complaint duly made before a magistrate, 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 Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Darogha of police how to proceed on complaint.

7. Upon such complaint duly made before a darogha of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such darogha there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

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

8. Every summons issued by a magistrate or darogha of police to a person so accused shall be in writing, under the hand and seal of the magistrate or darogha of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a darogha of police, to appear before such darogha at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons how to be served.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Notwithstanding summons, warrant may issue in certain cases.

10. A magistrate or darogha of police 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.

Warrant when grantable for an offence committed beyond local jurisdiction.

11. A magistrate of one district or darogha of one 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.

Where an offence may be investigated and tried in

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which

one of two or more jurisdictions.

have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether within the same Presidency or under the same Lieutenant Governor or not, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. 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 of 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 of 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.

Receiving, &c. stolen property.

17. 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.

Unlawfully receiving property.

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

Escape from lawful custody under sentence.

19. Any offender 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 where he shall be apprehended and retaken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. 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.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged, or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article 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 mentioned, 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.

What is a district, and what a division.

23. 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 moonsiff or darogha of police be deemed a division; provided that nothing herein contained shall be held as authorising a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX. Article 1 of this Act.

Chapter V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name, or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorised to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a darogha or nazir.

5. A warrant directed to a darogha of police or to a nazir may be executed by any officer subordinate to such darogha or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. 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.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorised to execute a warrant, aid him in executing the same, if the person so authorised be near at hand, and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place be within the same Presidency or under the same Lieutenant Governor 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 who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII. Article 7 or Chapter XV. Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution, in the same manner as if the warrant had originally issued from himself. On such person being apprehended and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

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

12. If a person, for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV. Article 11, is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorised by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate, if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Darogha how to proceed in such cases.

13. If the warrant under Chapter IV. Article 11 shall have been granted by a darogha, the darogha shall send the person arrested to the magistrate to whom such darogha is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another division of the district in which the division of the darogha who granted the warrant is comprised; in such case the darogha who granted the warrant shall send the person

arrested to the darogha of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant how to be executed.

16. 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 words or actions.

No unnecessary restraint.

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

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warranted is directed that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If, on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorised to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavour to arrest.

21. If, after notice by one authorised by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavour to arrest him, the person so authorised is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorised by warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer 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.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorised by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any 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.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, 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 precaution as may be necessary to prevent the escape of the accused, and shall endeavour to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to excute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and excute the process entrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

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

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the mean time, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

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

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise, or otherwise, to make any disclosure, but shall, when necessary, apprise him of the cause of arrest, and leave him free to speak or keep silence; and no such officer

or other person shall after such arrest 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 VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence, for which a warrant may issue on complaint, is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. 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 a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or darogha of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the 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.

6. 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.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to 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.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

Chapter VII.

OF ESCAPE AND RETAKING.

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

1. If a person lawfully arrested on a criminal information 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 on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to retake any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

Chapter VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the police darogha within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a darogha may, in the event of the darogha not being able to proceed in person, be executed by any officer subordinate to such darogha, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

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

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings, place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

Search warrant when grantable by a darogha.

5. Whenever a darogha shall consider that the production of any thing or things 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 or things in any dwelling or dwellings, place or places, 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 or things in such dwelling or dwellings, place or places.

How to be executed.

6. The darogha 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 burkundaz.

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

7. A darogha may require the darogha of another division, 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.

Representations regarding anything for which search is to be made to be sent to magistrate.

8. The darogha, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

When the search is to be made.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

Breaking of door.

10. If the door 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.

11. 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.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner 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.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, 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 despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Chapter IX.

PRELIMINARY INQUIRY BY THE POLICE.

Offences into which the police officers may not inquire without special authority.

1. A darogha of police shall not inquire into any of the following offences, punishable under the Penal Code, unless specially authorised by the magistrate to do so, namely—

Offences under Chapter IX.; provided that it shall be competent to a darogha to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X., except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI.; provided that it shall be competent to a darogha to inquire into any offence under Chapter X. committed in contempt of his own authority.

Offences under Chapter XI., except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV., except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI., Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII., Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

When the darogha may issue his warrant.

2. Upon complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for the darogha to issue his warrant to apprehend such person, and to cause him to be brought before such darogha.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such darogha before whom such a complaint is made, instead of issuing

his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such darogha.

When darogha shall issue summons.

4. Upon a complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence into which he is authorised to inquire, and which is punishable with imprisonment for a period not exceeding six months, the darogha shall issue his summons to such person, requiring him to appear before such darogha.

When the darogha may stay issue of process.

5. In the event of its appearing to the darogha that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the mean time suspended. On the receipt of the darogha's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the darogha to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the darogha shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Darogha may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a darogha from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorised to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the darogha or other police officer to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other daroghas, 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 Lieutenant Governor or not.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the darogha, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a darogha or other police officer to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The darogha, or other police officer, shall complete the inquiry with as little delay as possible, and if the darogha himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the darogha, who 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.

12. Provided that it shall not be lawful for the darogha or other police officer to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided, also, that it shall be competent for a darogha or other police officer, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The darogha shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Darogha how to proceed in cases of deficient evidence.

13. If it shall appear to the darogha that there is not sufficient evidence 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.

Proceedings of the darogha of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the darogha shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The darogha shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognisance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A as *not bailable shall not be admitted to bail; provided that 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 darogha shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the darogha 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; 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.

17. 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.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, 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 recognisance to appear before the magistrate.

19. 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 thither 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.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognisances; but if any witness shall refuse to attend, or to execute the recognisance directed in the last preceding Article, it shall be competent to the darogha to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

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

21. The powers to be exercised by the darogha 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 burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognisable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorised cognisance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognisance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate; but it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How darogha is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorised to receive cases coming within its jurisdiction on the report of a police officer, the darogha shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

Chapter X.

OF CONTEMPTS, AND DISOBEDIENCE OF ORDERS.

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

1. When any such offence as is described in Clause 39 of Chapter XI. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the said Clause.

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

2. When any of the offences described in Chapter X. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

Chapter XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any Criminal Court; also to withdraw such charge, and to file another.

Advocate General may file criminal charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

To follow the rules relating to charges.

Chapter XII.

PROSECUTIONS IN CERTAIN CASES.

1. Charges of offences punishable under Chapters VI. and VII. 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 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.

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

2. 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 Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

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

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI. of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

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

4. When a court of justice, judge, or magistrate, 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 two preceding Articles, the court, or judge, or magistrate, 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; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognisance, and to try such person upon its own charge.

Mode of proceeding in cases mentioned in the two last preceding Articles.

Chapter XIII.

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

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

1. 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 Schedule A 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; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II. Article 10 Clauses 3, 4, and 5, relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

2. 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 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 induce the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

Postponement of issue of process.

May dismiss the complaint.

3. It shall be at 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 direct bail to be taken.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear

Magistrate may dispense with the personal attendance of the accused.

by an agent *duly* authorised to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, 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. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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 six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord purpose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

19. The examination of the defendant, 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, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, 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 defendant's statement. No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Examination to be admitted as evidence on the attestation of the magistrate.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which, from the evidence, he may appear to have committed.

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

21. 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.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of housebreaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in, or privy to, the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

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

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person 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.

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

26. In like manner it shall be competent to a Session Court, 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.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

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

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A of this Code of Procedure, such person shall not be admitted to bail, provided that 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.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A of this Code of Procedure, he shall at once be admitted to bail.

Recognisance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognisance in such sum of money as the magistrate shall think sufficient is to 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 at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. 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.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. 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 gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. 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 in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. 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, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known; but if it be not known, then a description of his person, stating the refusal to tell his name; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol; and if he

be not, with his deputy; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. 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 that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; 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 a recognisance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant 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.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty 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 Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

Chapter XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant 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 defendant is charged, and within the cognisance of what court the offence is, and shall direct that the defendant be tried by the said court on the said 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.

How the offence is to be described.

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

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

3. 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 the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. 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 defendant 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.

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

5. Where the Chapter and Clause 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 Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

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

Heads of charge.

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 has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of Penal Code *(c)*, and within the cognisance of the [*style of the Court*].

On Clause 1 Chapter VI.

(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)*,
within my cognisance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*:

(2.) That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code.

On Clause 4 Chapter VI. applied to Clauses 3 Chap. VI. and 28 Chapter XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4.) That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 1 Chap. IX.

(5.) That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6.) That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7.) That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8.) That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9.) That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10.) That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11.) That he, being a public servant in the post office department, and being, as such, entrusted with the keeping of a packet, has committed criminal breach of trust, by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under
and within the cognisance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII. of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 81 Chapter XVII. of the Penal Code.

On Clause 81 Chap. XVII. applied to Clauses 2 and 80 of the same Chapter.

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

Charges containing Two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

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

Two or more offences punishable under the same Clause.

10. 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 Clauses of the Penal Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause 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 Clauses, or charging respectively each of such offences accordingly.

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

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

Form of charge of more than one head.

Forms of Charge.

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

First. That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 13 and 14 Chapter XII.

Secondly. That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 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 intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. 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 knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 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.*]

First. That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 4 and 6 Chapter XVI.

Secondly. That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 4 Chapter XVII.

Secondly. That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Thirdly. That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. That he has 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 has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 28 Chapter XVII.

Secondly. That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 Clauses of the Penal Code.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

Amendment of charge.

13. 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 defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When the trial may be immediately proceeded with after amendment.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant 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

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

whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

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

Chapter XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

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

Cases in which magistrate may issue a warrant.

1. 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.

Postponement of issue of process.

2. 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 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 induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article I of this Chapter, he shall 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.

Magistrate may direct bail to be taken.

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

Magistrate may dispense with personal attendance of accused.

4. 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, whether in a district within the same Presidency or under the same Lieutenant Governor or not, 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation, requiring the absent party to appear to answer the complaint within a fixed period not less than one month 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. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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.

Attachment of property.

Property after six months to be at the disposal of Government.

If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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 the 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any witness shall refuse to answer such questions concerning the premises 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 such witness to custody for any term not exceeding seven days, unless he shall in the mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties, and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case as referred to in Article 1 of this Chapter is brought before a magistrate, 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall, of his own accord, propose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

20. The examination of the defendant, 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, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it, at the foot of the examination; and whether the defendant signs it or not, 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 defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

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

22. 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.

Bail, and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII. Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. *The provisions of Chapter XIII. Article 41 shall be applicable to* cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV. of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

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

Evidence for the defence.

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, 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.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant 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.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other 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 XIII. for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

Chapter XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

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

Summons shall issue.

1. 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 Chapter XV. of this Code of Procedure, 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.

When warrant may issue.

Service of summons.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

When magistrate may refuse summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate 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.

If summons be not obeyed, warrant.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and 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, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

Magistrate may dispense with personal attendance of accused.

5. The magistrate may, if he see 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

Summons to witness to attend and give evidence.

6. 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 defendant in any case which may be tried according to the rules of this Chapter, 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.

Diet money for witnesses.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, 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.

Magistrate may summon necessary evidence.

8. 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.

Application of previous rules.

9. The provisions of Chapter XV. Articles 8, 9, and 10, shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Bail.

Defendant may be admitted to bail, or to be at large upon personal recognisance.

10. If, upon the day and at the place appointed, the defendant 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 defendant 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. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII. Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Appearance, Examination of Parties, and Evidence.

Non-appearance of complainant.

11. If, upon the day appointed for the appearance of the defendant, 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.

Admission by defendant of truth of complaint.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, 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.

Proceeding when no such admission is made.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant, and such witnesses as he may examine in his defence; and, having heard the parties and their witnesses, shall consider the whole matter, and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Adjournment.

15. 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 defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant; and if the complainant shall not appear, the magistrate shall dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV. for the preferring of criminal charges, and in Chapter XV. Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant 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 defendant 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 gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Chapter XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. 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.

2. 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 referred, and the witnesses shall be directed by the summons to attend at such Court.

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

3. 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.

4. 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 stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or, if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evidence, as if no proceedings had been held in any other Court.

Mode of proceeding in cases beyond jurisdiction.

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

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

Chapter XVIII.

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

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that, during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

Place where investigation made, an open Court.

Chapter XIX.

OF RECOGNISANCE AND SECURITY TO KEEP THE PEACE.

1. 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, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's 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 from the time of the prisoner's discharge, 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 Session Court.

Personal recognisance to keep the peace in cases of conviction.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognisance of the party, it shall also be lawful to the Court passing the final sentence or order to direct 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 Session Court.

Security to keep the peace.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognisance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognisance may not have been convicted of any specific offence.

Personal recognisance without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognisance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

Security without conviction.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and, in default of such recognisance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognisance and security, as well as the number of sureties which should in his judgment be requir-

For more than one year.

ed, and the period for which the recognisance and security should be required, which, however, shall in no case exceed three years. If the party shall not furnish the recognisances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them, and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognisance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

Imprisonment not to exceed period of recognisance and security.

7. *Provided* always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognisance and securities have been required from him.

When magistrate may release persons under requisition of security.

8. 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 to keep the peace, whether by their own orders or by those of any other person exercising the powers 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.

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

How persons who have become sureties may discharge themselves.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty of personal recognisance.

11. Whenever it may be proved before the magistrate, that any such recognisance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognisance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty by sureties.

12. Whenever it may be proved before the magistrate, that any such recognisance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XX.

SECURITY FOR GOOD BEHAVIOUR.

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

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property, knowing the same to have been stolen, 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.

2. 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 Session Court.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, 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 and equitable.

Session Court may require security not exceeding three years.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

What the order for security is to contain.

5. In every instance in which security for good behaviour may be required by the Session Court, 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.

6. In the event of any person required to give security under the provisions of the foregoing Articles 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.

7. 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.

8. 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 Session Court, 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 may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties, may at all times obtain a discharge from their future responsibility, by delivering up, or causing to be delivered up, the parties for whom they may have become responsible, to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor General in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such order; and the said Governor General in Council may from time to time revoke or alter such order.

Trial by jury, before the Session Court, of registered persons.

How the jury is to be constituted.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor General in Council may see fit to extend this rule, registered according to such rules as the Governor General in Council shall prescribe, is the defendant, or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Joinder of registered and non-registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered and the remaining half non-registered persons.

Number of which the jury is to consist.

5. In all trials before the Session Judge, the jury shall consist of not less than three, nor more than nine persons; and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Number of voices necessary to a verdict of guilty.

Trials before the Session Court with assessors.

6. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

7. All persons resident within the limits of the general jurisdiction of the Sudder Court 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 assessors, and shall be liable to be summoned accordingly.

8. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall, before they are issued, have received the sanction of the Governor General of India in Council.

Sudder Court to make rules in regard to jurors and assessors.

Chapter XXII.

TRIALS BEFORE THE SESSION COURTS.

1. Except in the cases referred to in Chapter XII. Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognisance of any offence, but upon a charge preferred by the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

Cognisance of offences by the Session Court in original jurisdiction.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

A person holding the office of Session Judge may try cases committed by himself.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Postponement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Commencement of trial.

5. If the defendant plead "guilty," the judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "guilty."

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

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

7. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the judge, 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, and signed by him in the presence of the judge. In case the witness shall refuse to sign the deposition, the judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the judge shall think fit to make. It shall be at the discretion of the judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the judge upon the objection. The judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

How evidence is to be recorded.

8. If any witness shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2, or Chapter XII. Article 4.

Witness refusing to answer may be committed to custody.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Examination of defendant, evidence at the trial.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the darogha, or other officer of police, and by him reduced into writing.

Session Court not to receive written confession of guilt made to the police.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

But may receive evidence of a police officer as to unrecorded admission of guilt.

12. It shall be at 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.

Court may summon necessary evidence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Defence.

14. The defendant 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 or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV. Article 14.

Witnesses for the defence.

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

Adjournment.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given separately and recorded. 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.

Delivery of opinions of assessors.

Of verdict of jury.

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

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars, in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

Chapter XXIII.

SUDDER COURT.

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the Court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

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

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall 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.

Hearing of case referred, tried by jury.

Chapter XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

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

Form of finding and sentence.

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 of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 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 of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code, the Court directs that the said Z be [*sentence*].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more 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 consisting of
of their number, as the case may be) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 abovementioned Clauses, and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials with Assessors—

7th. The Court, concurring with the Assessors (*or* one or more of the Assessors), finds that Z is guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be [*sentence.*]

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge; namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code; and the Court directs that under the provisions of the abovementioned Clauses and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors—

10th. 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 Clause 2 Chapter XVII. of the Penal Code; and the Court directs that the said Z be [*sentence*].

11th. 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 Clause 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—

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

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

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses 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.

7. Where 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.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, 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.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate 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.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, 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 like manner, 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 XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, 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 Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calen-

dars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it think fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by Jury in the Session Court, 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 Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the 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. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Chapter XXVI.

APPEALS.

No appeal in cases of acquittal.

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

Appeal in cases of conviction.

2. An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, 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 criminal trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of Subordinate Courts.

10. It shall be at all times lawful for a Session Judge 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 regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing 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 also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE

SCHEDULE A.

Explanatory Notes.—1st. The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd. The term "Bailable or not," in Column 3, is to be taken in connection with the provisions of Chapter XIII. Articles 28 and 29 of the Code of Criminal Procedure.

3rd. No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th. The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

Chapter V.—OF PRINCIPALS AND ABETTORS.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
5	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence penalties.....	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence..	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment..	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ¼ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	
14	Abetting the commission of an offence by the public, or by more than ten persons.	Idem	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem not exceeding 7 years, and fine.	
	If the offence be not committed	Idem	Idem	Idem not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ¼ of the longest term, or fine, or both.	

	If the offence be punishable with death or transportation	Not bailable	By the Session Court.....	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.....	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ¼ of the longest term, or fine, or both.	

Chapter VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable.....	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.....	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added ; or simple imprisonment not exceeding 3 years, to which fine may be added; or fine simply.	
6	Waging war against any Asiatic power in alliance or at peace with the East India Company, or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added; or fine simply.	
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.	
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.	
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.	
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny, or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.	
2	Abetment of mutiny, if mutiny is committed in consequence thereof..	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
4	Abetment of such assault, if the assault is committed	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	"
5	Abetment of the desertion of an Officer, Soldier, or Sailor	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	Exception.—Not extended to harbour given by a wife to her husband.				
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.	
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.	

Chapter VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem.	Idem.
8	Rioting, armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place, not giving notice to the Police, or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

Chapter IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant.	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property	Idem	Idem	Idem	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant, with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

Chapter X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c. in a Court of Justice	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If the notice or information required respects the commission of an offence, &c.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 1.
15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorised sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Chapter XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Idem.	Idem.
8	Using as a true certificate one known to be false in a material point..	Idem	Idem	Idem.
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.
10	Using as true any such declaration known to be false	Idem	Idem	Idem.
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.
	If punishable with less than fourteen years' imprisonment	Idem	By the Court by which the offence is triable.	Idem not exceeding ¼ longest term, and fine, or both.
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate.	Imprisonment of either description to 6 months, or fine, or both.
13	Giving false information respecting an offence committed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court.	Idem not exceeding 3 years, or fine, or both.
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.
18	Fraudulently suffering a decree to pass for a sum not due, or suffering a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
19	Fraudently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital, or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender, if the offence be capital	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court.	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If with imprisonment less than fourteen years.....	Bailable	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem	Session Court.....	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment to one year and not to fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.				
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Idem.	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court.....	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court.....	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to fourteen years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than fourteen years	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant....	Idem	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	Cumulative, Clause 35.
	If charged with an offence punishable with transportation for life, or imprisonment to fourteen years.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 3 years, and also liable to fine.	
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.....	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for fourteen years or upwards.	Idem	Idem	Idem	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine, and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.	
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.	
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.	
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
9	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin, known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.....	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine, not exceeding 10 years, and fine.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
13	Knowingly delivering to another any counterfeit Coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	Not Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by Law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight, or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight, or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.	
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	Delivering it as genuine, or as a Coin of a different description	Idem	Idem	Idem not exceeding 5 years, also fine.	
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.	
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.	
26	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.	
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.	
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.	
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.	
30	Sale of counterfeit Government Stamp	Idem	Idem	Idem not exceeding 7 years, also fine.	
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.	
32	Using as genuine a Government Stamp known to be counterfeit	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it, with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	

Chapter XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing.....	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure	Idem	Idem	Idem.
4	Being in possession of false weights or measures for fraudulent use ..	Idem	Idem	Idem.
5	Making or selling false weights or measures for fraudulent use	Idem	Idem	Idem.

Chapter XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Knowingly disobeying any rule of the quarantine laws	Idem	Idem	Idem not exceeding 6 months, or fine, or both.
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
6	Selling any food or drink as food and drink for man, knowing the same to be noxious.	Idem	Idem	Idem.
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.
8	Offering for sale, or issuing from a dispensary, any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.
10	Defiling the water of a public spring or reservoir	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months ; or fine not exceeding Rupees 1,000, or both.
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.
16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.
18	So dealing with any explosive substance	Idem	Idem	Idem.
19	So dealing with any machinery	Idem	Idem	Idem.
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c. of obscene books, &c. *Exception.*—Not to extend to any representation on or in any Temple, or on any car used for the conveyance of idols.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
25	Having in possession obscene books, &c., for sale or exhibition	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

Chapter XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship, or sacred object, with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem	Idem	Idem	Idem.
5	Uttering any word of making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

Chapter XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life	Idem	Idem	Death.	
6	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane, or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding fourteen years, and also fine.	

8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
10	Attempt to commit murder, and doing any act, &c. with such intention, or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If the woman be quick with child	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
15	Causing miscarriage without woman's consent	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Idem not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.

Of Hurt (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation; not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life, or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of Wrongful Restraint, and Wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.	
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.	

48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.	
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Idem	Idem	Idem.	
51	While keeping a person in wrongful confinement, omitting to furnish him with anything necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Of Criminal Force and Assault.

55	Using criminal force otherwise than on grave provocation	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.	
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
57	Using criminal force in attempt to murder	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
59	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.	
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.	
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
62	Using criminal force on grave and sudden provocation	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.	
63	Assault in cases not specially provided for, when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.	

Of Kidnapping, Forcible Abduction, Slavery, and Forced Labour.

68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage, or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves	Not bailable	Idem	Idem.	
76	Unlawful compulsory labour	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine	Cumulative.

Of Rape.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
3	Theft by clerk or servant of property in possession of master or employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.	
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.	

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.
16	Voluntarily causing hurt in committing or attempting to commit robbery, to any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
18	Murder in dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
19	Robbery or dacoity with attempt to cause death or grievous hurt	Idem	Idem	Imprisonment not less than 7 years.
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.
24	Being one of five or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's one use.	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
29	Criminal breach of trust by a clerk or servant	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.	

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen	Not bailable	Session Court, when the value of the property, which is the subject of the offence, exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.	
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
34	Habitually dealing in stolen property	Idem	Idem	Idem.	
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	

Of Cheating.

38	Cheating	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable.	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.

Of Mischief.

49	Mischief	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage, attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful, a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel, or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
69	Criminal trespass	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-trespass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year, added to one-third of the longest term for the offence intended, and also fine.	
75	House-trespass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years, added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
80	Lurking house-trespass or house-breaking by night	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to a fine.	
85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both	Idem.

Chapter XVIII.—OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Forgery or using a forged document with intent to injure or deceive	Idem	Idem	Idem.
5	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
8	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
10	Uttering or using as genuine a forged document which is known to be forged.	Idem	Idem	As for forgery.
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
13	Having possession of a valuable security or will, knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
17	Fraudulently destroying or defacing, or secreting a valuable security	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.

Of Trade and Property-Marks.

22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c. of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year or fine, or both.
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.

Of Trade and Property-Marks (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Making use of any such false mark	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury	Idem	Idem	Idem.	

Chapter XIX.—THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.	
2	A seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.	
3	Being bound to attend on, or supply the want of, a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200, or both.	
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service, or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.	

Chapter XX.—OFFENCES RELATING TO MARRIAGE.

1	A man, by deceit, causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
2	A woman committing the same offence with a man	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.	
3	Marrying again during the lifetime of a husband or wife	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to to fine.	
5	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.	
6	Adultery	Idem	Session Court or Magistrate	Imprisonment of either description not exceeding 5 years, or fine, or both.	
7	Enticing or taking away a married woman	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.	
13	Printing or engraving matter, knowing it to be defamatory	Idem	Idem	Idem.	
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem.	

Chapter XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word, or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.	
6	Appearing in a public place, &c. in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

Chapter XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.

W. MORGAN,
Clerk of the Council.

Printed for Government, by JOHN FIRTH, at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

THIRD SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 9TH APRIL 1857.

Legislative Council.

7th March 1857.

The following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee, who are to report thereon after the 18th of June next:—

A Bill for Extending the Jurisdiction of the Courts of Criminal Judicature of the East India Company in MADRAS, for Simplifying the Procedure thereof, and for Investing other Courts with Criminal Jurisdiction.

Preamble.

Whereas it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Madras, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the Presidency of Fort St. George as are subject to the general Regulations of the Madras Code; It is hereby enacted as follows:—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code, except so far as is hereinafter otherwise expressly provided.

Chapter I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Madras shall possess the appellate and other criminal jurisdictions now exercised by it, except so as the same are altered of modified by this Act.

Chapter II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following:—

COURTS OF SESSION;
COURTS OF THE MAGISTRATES;
SUBORDINATE COURTS; namely—
Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division, in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor in Council shall from time to time pass.

Declaration on entering upon office.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and

subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

"I, *A. B.*, appointed of the Court of do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers.

7. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

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

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

Session Court to have jurisdiction over all offences, under the Penal Code, or under any special or local law.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Exclusive jurisdiction as to certain offences.

10. The Session Court exclusively shall have jurisdiction in respect of—

1*st*. Offences entered in Schedule A of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII. Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II., whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorised as such officer, to investigate or report on any matter of law or fact;

Every head jailor;

Every head officer of police;

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

Magistrates, their jurisdiction as to offences.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Subordinate Criminal Courts; their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A of the Code of Procedure as triable by those Courts respectively.

Session Court not to pass sentence in cases punishable with death.

13. In cases tried by the Courts of Sessions in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court may direct transfer of a criminal case.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Magistrates; their penal jurisdiction.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts, first class; their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts, second class; their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

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 Clauses 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.

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

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorised to hold the preliminary inquiry into cases triable by the Session Courts, 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.

Chapter III.

PRELIMINARY RULES.

Complainants and witnesses to be examined without oath, affirmation, or warning.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

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

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

Chapter IV.

OBTAINING A SUMMONS OR WARRANT.

Proceeding to compel appearance.

1. Where an offence has been committed, or is suspected 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 preliminary inquiry concerning the same, may be by summons or arrest.

Summons.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Arrest.

3. The proceeding by arrest may be either—

(1.) By warrant;
(2.) Or by a private person without warrant;
(3.) Or by an officer without warrant.

Complaint.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

To be reduced into writing and signed.

5. Every complaint made before a magistrate or head officer of police, 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 head officer of police issuing the summons or warrant.

Magistrate how to proceed on complaint.

6. Upon such complaint duly made before a magistrate, 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 Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Head officer of police how to proceed on complaint.

7. Upon such complaint duly made before a head officer of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such head officer there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

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

8. Every summons issued by a magistrate or head officer of police to a person so accused shall be in writing, under the hand and seal of the magistrate or head officer of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a head officer of police, to appear before such head officer at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons how to be served.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Notwithstanding summons, warrant may issue in certain cases.

10. A magistrate or head officer of police 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.

Warrant when grantable for an offence committed beyond local jurisdiction.

11. A magistrate of one district or head officer of one 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.

Where an offence may be investigated and tried in

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which

one of two or more jurisdictions.

have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. 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 of 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 of 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.

Receiving, &c. stolen property.

17. 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.

Unlawfully receiving property.

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

Escape from lawful custody under sentence.

19. Any offender 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 where he shall be apprehended and retaken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. 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.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged, or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article 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 mentioned, 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.

What is a district, and what a division.

23. 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 moonsiff or head officer of police be deemed a division; provided that nothing herein contained shall be held as authorising a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX. Article 1 of this Act.

Chapter V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name, or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorised to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a head officer or nazir.

5. A warrant directed to a head officer of police or to a nazir may be executed by any officer subordinate to such head officer of police or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. 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.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorised to execute a warrant, aid him in executing the same, if the person so authorised be near at hand, and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, 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 who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII. Article 7 or Chapter XV. Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution, in the same manner as if the warrant had originally issued from himself. On such person being apprehended and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

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

12. If a person, for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV. Article 11, is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorised by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate, if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Head officer of police how to proceed in such cases.

13. If the warrant under Chapter IV. Article 11 shall have been granted by a head officer of police, the head officer of police shall send the person arrested to the magistrate to whom such head officer of police is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another division of the district in which the division of the head officer of police who granted the warrant is comprised; in such case the head officer of police who granted the warrant shall send the person arrested to the head officer

of police of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant how to be executed.

16. 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 words or actions.

No unnecessary restraint.

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

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If, on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorised to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavour to arrest.

21. If, after notice by one authorised by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavour to arrest him, the person so authorised is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorised by warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer 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.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorised by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any 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.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, 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 precaution as may be necessary to prevent the escape of the accused, and shall endeavour to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to excute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and excute the process entrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

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

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the mean time, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

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

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise, or otherwise, to make any disclosure, but shall, when necessary, apprise him of the cause of arrest, and leave him free to speak or keep silence; and no such officer

or other person shall after such arrest 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 VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence, for which a warrant may issue on complaint, is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. 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 a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested 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 police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the 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.

6. 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.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to 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.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

Chapter VII.

OF ESCAPE AND RETAKING.

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

1. If a person lawfully arrested on a criminal information 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 on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to retake any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

Chapter VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the head officer of police within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a head officer of police may, in the event of the head officer not being able to proceed in person, be executed by any officer subordinate to such head officer, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

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

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings, place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

Search warrant when grantable by a head officer of police.

5. Whenever a head officer of police shall consider that the production of any thing or things 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 or things in any dwelling or dwellings, place or places, 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 or things in such dwelling or dwellings, place or places.

How to be executed.

6. The head officer of police 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 burkundaz.

When a head officer of police may require a head officer of police of another division to issue a search warrant.

7. A head officer of police may require the head officer of police of another division, 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.

Representations regarding anything for which search is to be made to be sent to magistrate.

8. The head officer of police when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

When the search is to be made.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

Breaking of door.

10. If the door 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.

11. 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.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner 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.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, 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 despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Chapter IX.

PRELIMINARY INQUIRY BY THE POLICE.

Offences into which the police officers may not inquire without special authority.

1. A head officer of police shall not inquire into any of the following offences, punishable under the Penal Code, unless specially authorised by the magistrate to do so, namely—

Offences under Chapter IX.; provided that it shall be competent to a head officer of police to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI.; provided that it shall be competent to a head officer of police to inquire into any offence under Chapter X. committed in contempt of his own authority.

Offences under Chapter XI., except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV., except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI., Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII., Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

When the head officer of police may issue his warrant.

2. Upon complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such head officer to issue his warrant to apprehend such person, and to cause him to be brought before such head officer.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such head officer before whom such a complaint is made, instead of issuing

his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such head officer.

When head officer of police shall issue summons.

4. Upon a complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence into which he is authorised to inquire, and which is punishable with imprisonment for a period not exceeding six months, such head officer shall issue his summons to such person, requiring him to appear before such head officer.

When the head officer of police may stay issue of process.

5. In the event of its appearing to the head officer of police that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the mean time suspended. On the receipt of the head officer's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the head officer to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the head officer of police shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Head officer of police may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a head officer of police from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorised to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the head or other officer of police to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other head officers of police, whether subject to the same magistrate as himself or to the magistrate of any other district.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the head officer, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a head or other officer of police to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The head or other officer of police shall complete the inquiry with as little delay as possible, and if the head officer himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the head officer, who 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.

12. 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 forty-eight hours; and provided, also, that it shall be competent for a head or other officer of police, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The head officer shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Head officer how to proceed in cases of deficient evidence.

13. If it shall appear to the head officer of police that there is not sufficient evidence 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.

Proceedings of the head officer of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the head officer of police shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The head officer of police shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognisance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A as not bailable shall not be admitted to bail; provided that 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 police shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the head officer of police 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; 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.

17. 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.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, 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 recognisance to appear before the magistrate.

19. 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 thither 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.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognisances; but if any witness shall refuse to attend, or to execute the recognisance directed in the last preceding Article, it shall be competent to the head officer of police to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the head officer of police may be exercised in his absence or illness.

21. The powers to be exercised by the head officer of police 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 burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognisable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorised cognisance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognisance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate; but it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How head officer of police is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorised to receive cases coming within its jurisdiction on the report of a police officer, the head officer of police shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

Chapter X.

OF CONTEMPTS, AND DISOBEDIENCE OF ORDERS.

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

1. When any such offence as is described in Clause 39 of Chapter XI. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the said Clause.

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

2. When any of the offences described in Chapter X. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

Punishment may be remitted on submission of the offender.

Chapter XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

Advocate General may file criminal charges.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any Criminal Court; also to withdraw such charge, and to file another.

To follow the rules relating to charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

Chapter XII.

PROSECUTIONS IN CERTAIN CASES.

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

1. Charges of offences punishable under Chapters VI. and VII. 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 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.

2. 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 Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but 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.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI. of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

Mode of proceeding in cases mentioned in the two last preceding Articles.

4. When a court of justice, judge, or magistrate, 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 two preceding Articles, the court, or judge, or magistrate, 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; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognisance, and to try such person upon its own charge.

Chapter XIII.

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

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

Magistrate may issue his warrant.

1. 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 Schedule A 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; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II. Article 10 Clauses 3, 4, and 5, relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

Postponement of issue of process.

2. 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 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 induce the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

3. It shall be at 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.

4. 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, 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. In case the party does not appear, and deliver himself up within the period fixed,

Attachment of property.

it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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 six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord purpose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

19. The examination of the defendant, 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, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, 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 defendant's statement. No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Examination to be admitted as evidence on the attestation of the magistrate.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which, from the evidence, he may appear to have committed.

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

21. 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.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of housebreaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in, or privy to, the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

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

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person 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.

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

26. In like manner it shall be competent to a Session Court, 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.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

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

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A of this Code of Procedure, such person shall not be admitted to bail, provided that 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.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A of this Code of Procedure, he shall at once be admitted to bail.

Recognisance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognisance in such sum of money as the magistrate shall think sufficient is to 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 at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. 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.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. 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 gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. 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 in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. 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, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known; but if it be not known, then a description of his person, stating the refusal to tell his name; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol; and if he

be not, with his deputy; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. 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 that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; 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 a recognisance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant 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.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty 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 Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

Chapter XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant 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 defendant is charged, and within the cognisance of what court the offence is, and shall direct that the defendant be tried by the said court on the said 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.

How the offence is to be described.

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

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

3. 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 the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. 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 defendant 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.

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

5. Where the Chapter and Clause 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 Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

[ ]

Charges containing One Head.

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

Heads of charge.

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 has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of Penal Code *(c)*, and within the cognisance of the [*style of the Court*].

On Clause 1 Chapter VI.

(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)*,
within my cognisance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*:

(2.) That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code.

On Clause 4 Chapter VI. applied to Clauses 3 Chap. VI. and 28 Chapter XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4.) That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 1 Chap. IX.

(5.) That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6.) That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7.) That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8.) That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9.) That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10.) That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11.) That he, being a public servant in the post office department, and being, as such, entrusted with the keeping of a packet, has committed criminal breach of trust, by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under
and within the cognisance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII. of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 81 Chapter XVII. of the Penal Code.

On Clause 81 Chap. XVII. applied to Clauses 2 and 80 of the same Chapter.

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

Charges containing Two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

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

Two or more offences punishable under the same Clause.

10. 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 Clauses of the Penal Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause 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 Clauses, or charging respectively each of such offences accordingly.

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

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

Form of charge of more than one head.

Forms of Charge.

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

First. That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 13 and 14 Chapter XII.

Secondly. That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 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 intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. 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 knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 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.*]

First. That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 4 and 6 Chapter XVI.

Secondly. That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 4 Chapter XVII.

Secondly. That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Thirdly. That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. That he has 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 has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 28 Chapter XVII.

Secondly. That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 Clauses of the Penal Code.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

Amendment of charge.

13. 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 defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When the trial may be immediately proceeded with after amendment.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant 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

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

whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

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

Chapter XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

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

Cases in which magistrate may issue a warrant.

1. 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.

Postponement of issue of process.

2. 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 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 induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

Magistrate may direct bail to be taken.

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

Magistrate may dispense with personal attendance of accused.

4. 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation, requiring the absent party to appear to answer the complaint within a fixed period not less than one month 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. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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.

Attachment of property.

Property after six months to be at the disposal of Government.

If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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 the 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any witness shall refuse to answer such questions concerning the premises 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 such witness to custody for any term not exceeding seven days, unless he shall in the mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties, and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case as referred to in Article 1 of this Chapter is brought before a magistrate, 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall, of his own accord, propose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

20. The examination of the defendant, 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, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it, at the foot of the examination; and whether the defendant signs it or not, 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 defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

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

22. 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.

Bail, and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII. Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII. Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV. of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

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

Evidence for the defence.

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, 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.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant 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.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other 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 XIII. for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

Chapter XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

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

Summons shall issue.

1. 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 Chapter XV. of this Code of Procedure, 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.

When warrant may issue.

Service of summons.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certfy the service of the said summons.

When magistrate may refuse summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate 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.

If summons be not obeyed, warrant.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and 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, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

Magistrate may dispense with personal attendance of accused.

5. The magistrate may, if he see 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

Summons to witness to attend and give evidence.

6. 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 defendant in any case which may be tried according to the rules of this Chapter, 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.

Diet money for witnesses.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, 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.

Magistrate may summon necessary evidence.

8. 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.

Application of previous rules.

9. The provisions of Chapter XV. Articles 8, 9, and 10, shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Bail.

Defendant may be admitted to bail, or to be at large upon personal recognisance.

10. If, upon the day and at the place appointed, the defendant 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 defendant 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. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII. Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Appearance, Examination of Parties, and Evidence.

Non-appearance of complainant.

11. If, upon the day appointed for the appearance of the defendant, 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.

Admission by defendant of truth of complaint.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, 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.

Proceeding when no such admission is made.

13. *If the defendant do not admit the truth of the complaint*, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant, and such witnesses as he may examine in his defence; and, having heard the parties and their witnesses, shall consider the whole matter, and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Adjournment.

15. 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 defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV. for the preferring of criminal charges, and in Chapter XV. Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant 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 defendant 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 gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Chapter XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. 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.

2. 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 referred, and the witnesses shall be directed by the summons to attend at such Court.

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

3. 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.

4. 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 stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or, if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evidence, as if no proceedings had been held in any other Court.

Mode of proceeding in cases beyond jurisdiction.

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

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

Chapter XVIII.

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

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that, during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

Place where investigation made, an open Court.

Chapter XIX.

OF RECOGNISANCE AND SECURITY TO KEEP THE PEACE.

1. 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, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's 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 from the time of the prisoner's discharge, 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 Session Court.

Personal recognisance to keep the peace in cases of conviction.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognisance of the party, it shall also be lawful to the Court passing the final sentence or order to direct 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 Session Court.

Security to keep the peace.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognisance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognisance may not have been convicted of any specific offence.

Personal recognisance without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognisance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

Security without conviction.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and, in default of such recognisance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognisance and security, as well as the number of sureties which should in his judgment be requir-

For more than one year.

ed, and the period for which the recognisance and security should be required, which, however, shall in no case exceed three years. If the party shall not furnish the recognisances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them, and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognisance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

Inprisonment not to exceed period of recognisance and security.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognisance and securities have been required from him.

When magistrate may release persons under requisition of security.

8. 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 to keep the peace, whether by their own orders or by those of any other person exercising the powers 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.

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

How persons who have become sureties may discharge themselves.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty of personal recognisance.

11. Whenever it may be proved before the magistrate, that any such recognisance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognisance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty by sureties.

12. Whenever it may be proved before the magistrate, that any such recognisance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XX.

SECURITY FOR GOOD BEHAVIOUR.

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

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property, knowing the same to have been stolen, 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.

2. 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 Session Court.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, 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 and equitable.

Session Court may require security not exceeding three years.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

What the order for security is to contain.

5. In every instance in which security for good behaviour may be required by the Session Court, 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.

6. In the event of any person required to give security under the provisions of the foregoing Articles 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.

7. 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.

8. 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 Session Court, 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 may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties, may at all times obtain a discharge from their future responsibility, by delivering up, or causing to be delivered up, the parties for whom they may have become responsible, to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such order; and the said Governor in Council may from time to time revoke or alter such order.

Trial by jury, before the Session Court, of registered persons.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor in Council may see fit to extend this rule, registered according to such rules as the Governor in Council shall prescribe, is the defendant,

How the jury is to be constituted.

or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Joinder of registered and non-registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered and the remaining half non-registered persons.

Number of which the jury is to consist.

5. In all trials before the Session Judge, the jury shall consist of not less than three, nor more than nine persons; and unanimity, or a majority of not less than two-thirds

Number of voices necessary to a verdict of guilty.

with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Jury not to consist of less than three.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor in Council shall from time to time direct.

Trials before the Session Court with assessors.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court 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 assessors, and shall be liable to be summoned accordingly.

Sudder Court to make rules in regard to jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall, before they are issued, have received the sanction of the Governor in Council.

Chapter XXII.

TRIALS BEFORE THE SESSION COURTS.

Cognisance of offences by the Session Court in original jurisdiction.

1. Except in the cases referred to in Chapter XII. Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognisance of any offence, but upon a charge preferred by the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. *It shall be competent to a Court of Session* to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

5. If the defendant plead "guilty," the judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

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

6. If the defendant 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.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the judge, 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, and signed by him in the presence of the judge. In case the witness shall refuse to sign the deposition, the judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the judge shall think fit to make. It shall be at the discretion of the judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the judge upon the objection. The judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2, or Chapter XII. Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at 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.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

14. The defendant 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 or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV. Article 14.

Witnesses for the defence.

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

Adjournment.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given separately and recorded. 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.

Delivery of opinions of assessors.

Of verdict of jury.

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

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars, in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

Chapter XXIII.

SUDDER COURT.

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the Court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

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

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall 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.

Hearing of case referred, tried by jury.

Chapter XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

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

Form of finding and sentence.

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 of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of the Penal Code; and the Court directs that the said Z [*sentence*].

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

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty—

3*rd*. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code, the Court directs that the said Z be [*sentence*].

4*th*. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5*th*. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more 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—

6*th*. The Jury (*or* the majority of the Jurors consisting of
of their number, as the case may be) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge: namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 abovementioned Clauses, and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials with Assessors—

7*th*. The Court, concurring with the Assessors (*or* one or more of the Assessors), finds that Z is guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be [*sentence*].

8*th*. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be discharged.

9*th*. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge; namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code; and the Court directs that under the provisions of the abovementioned Clauses and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors—

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

11*th*. 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 Clause 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—

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

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

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses 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.

7. Where 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.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, 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.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate 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.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, 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 like manner, 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 XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, 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 Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calen-

dars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it think fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by Jury in the Session Court, 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 Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the 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. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Chapter XXVI.

APPEALS.

No appeal in cases of acquittal.

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

Appeal in cases of conviction.

2. An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, 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.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of Subordinate Courts.

10. It shall be at all times lawful for a Session Judge 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 regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing 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 also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st. The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd. The term "Bailable or not," in Column 3, is to be taken in connection with the provisions of Chapter XIII. Articles 28 and 29 of the Code of Criminal Procedure.

3rd. No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th. The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

Chapter V.—OF PRINCIPALS AND ABETTORS.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
5	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence penalties.....	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence..	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment..	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ¼ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	
14	Abetting the commission of an offence by the public, or by more than ten persons.	Idem	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem not exceeding 7 years, and fine.	
	If the offence be not committed	Idem	Idem	Idem not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	

	If the offence be punishable with death or transportation	Not bailable	By the Session Court.....	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.....	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅓ of the longest term, or fine, or both.	

Chapter VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable.....	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.....	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added ; or simple imprisonment not exceeding 3 years, to which fine may be added; or fine simply.	
6	Waging war against any Asiatic power in alliance or at peace with the East India Company, or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added; or fine simply.	
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.	
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.	
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.	
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny, or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.	
2	Abetment of mutiny, if mutiny is committed in consequence thereof..	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
4	Abetment of such assault, if the assault is committed	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
5	Abetment of the desertion of an Officer, Soldier, or Sailor	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted *Exception.*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.	
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.	

Chapter VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem.	Idem.
8	Rioting, armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place, not giving notice to the Police, or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

Chapter IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant.	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property	Idem	Idem	Idem	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant, with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

Chapter X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c. in a Court of Justice..	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	

Chapter X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS *(continued)*.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If the notice or information required respects the commission of an offence, &c.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 1.
15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorised sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Chapter XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.
7	Knowingly writing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Idem.	Idem.
8	Using as a true certificate one known to be false in a material point..	Idem	Idem	Idem.
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.
10	Using as true any such declaration known to be false	Idem	Idem	Idem.
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.
	If punishable with less than fourteen years' imprisonment	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term, and fine, or both.
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate.	Imprisonment of either description to 6 months, or fine, or both.
13	Giving false information respecting an offence committed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court.....	Idem not exceeding 3 years, or fine, or both.
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.
18	Fraudulently suffering a decree to pass for a sum not due, or suffering a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
19	Fraudently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure	Idem	Session Court'.....	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital, or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender, if the offence be capital.....	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court.....	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If with imprisonment less than fourteen years.....	Bailable	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem	Session Court.....	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment to one year and not to fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.				
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Idem.	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court.....	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court.....	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to fourteen years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than fourteen years	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant....	Idem	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to fourteen years.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.....	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for fourteen years or upwards.	Idem	Idem	Idem	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine, and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.	
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.	
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.	
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
9	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin, known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.....	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine, not exceeding 10 years, and fine.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
13	Knowingly delivering to another any counterfeit Coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	Not Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	]
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court.....	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by Law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight, or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight, or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.	
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	Delivering it as genuine, or as a Coin of a different description.....	Idem	Idem	Idem not exceeding 5 years, also fine.	
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.	
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.	
26	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.	
27	Counterfeiting a Government Stamp.....	Bailable	Session Court.....	Idem not exceeding 10 years, also liable to fine.	
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.	
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.	
30	Sale of counterfeit Government Stamp.....	Idem	Idem	Idem not exceeding 7 years, also fine.	
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.	
32	Using as genuine a Government Stamp known to be counterfeit ..	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it, with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	
34	Using a Government Stamp known to have been before used.....	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
35	Erasure of mark denoting that Stamp has been used.....	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	

Chapter XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure	Idem	Idem	Idem.
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem.
5	Making or selling false weights or measures for fraudulent use	Idem	Idem	Idem.

Chapter XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Knowingly disobeying any rule of the quarantine laws	Idem	Idem	Idem not exceeding 6 months, or fine, or both.
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
6	Selling any food or drink as food and drink for man, knowing the same to be noxious.	Idem	Idem	Idem.
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.
8	Offering for sale, or issuing from a dispensary, any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.
10	Defiling the water of a public spring or reservoir	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months; or fine not exceeding Rupees 1,000, or both.
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.
16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.
18	So dealing with any explosive substance	Idem	Idem	Idem.
19	So dealing with any machinery	Idem	Idem	Idem.
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c. of obscene books, &c. *Exception.*—Not to extend to any representation on or in any Temple, or on any car used for the conveyance of idols.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
25	Having in possession obscene books, &c., for sale or exhibition	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

Chapter XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship, or sacred object, with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem	Idem	Idem	Idem.
5	Uttering any word of making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

Chapter XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life	Idem	Idem	Death.	
6	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane, or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding fourteen years, and also fine.	

8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
10	Attempt to commit murder, and doing any act, &c. with such intention, or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If the woman be quick with child	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
15	Causing miscarriage without woman's consent	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Idem not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.

Of Hurt (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 14 years, also liable to fine.	
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.....	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation; not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life, or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of Wrongful Restraint, and Wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.	
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.	

48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.	
49.	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Idem	Idem	Idem.	
51	While keeping a person in wrongful confinement, omitting to furnish him with anything necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Of Criminal Force and Assault.

55	Using criminal force otherwise than on grave provocation	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.	
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
57	Using criminal force in attempt to murder	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
59	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.	
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.	
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
62	Using criminal force on grave and sudden provocation	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.	
63	Assault in cases not specially provided for, when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.	

Of Kidnapping, Forcible Abduction, Slavery, and Forced Labour.

68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage, or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves	Not bailable	Idem	Idem.	
76	Unlawful compulsory labour	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine	Cumulative.

Of Rape.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
3	Theft by clerk or servant of property in possession of master or employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.	
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.	

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.
16	Voluntarily causing hurt in committing or attempting to commit robbery, to any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
18	Murder in dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
19	Robbery or dacoity with attempt to cause death or grievous hurt	Idem	Idem	Imprisonment not less than 7 years.
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.
24	Being one of five or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's one use.	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
29	Criminal breach of trust by a clerk or servant	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.	

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen	Not bailable	Session Court, when the value of the property, which is the subject of the offence, exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.	
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
34	Habitually dealing in stolen property	Idem	Idem	Idem.	
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	

Of Cheating.

38	Cheating	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.

Of Mischief.

49	Mischief	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage, attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful, a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel, or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
69	Criminal trespass	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-trespass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year, added to one-third of the longest term for the offence intended, and also fine.	
75	House-trespass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years, added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
80	Lurking house-trespass or house-breaking by night	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to a fine.	
85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both	Idem.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Forgery or using a forged document with intent to injure or deceive	Idem	Idem	Idem.
5	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
8	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
10	Uttering or using as genuine a forged document which is known to be forged.	Idem	Idem	As for forgery.
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
13	Having possession of a valuable security or will, knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
17	Fraudulently destroying or defacing, or secreting a valuable security	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.

Of Trade and Property-Marks.

22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c. of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.

Of Trade and Property-Marks (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Making use of any such false mark	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury	Idem	Idem	Idem.	

Chapter XIX.—THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.	
2	A seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.	
3	Being bound to attend on, or supply the want of, a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200, or both.	
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service, or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.	

Chapter XX.—OFFENCES RELATING TO MARRIAGE.

1	A man, by deceit, causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
2	A woman committing the same offence with a man	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.	
3	Marrying again during the lifetime of a husband or wife	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to to fine.	
5	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.	
6	Adultery	Idem	Session Court or Magistrate	Imprisonment of either description not exceeding 5 years, or fine, or both.	
7	Enticing or taking away a married woman	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter, knowing it to be defamatory.....	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem.

Chapter XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
	If threat be to cause death or grievous hurt, &c.....	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
3	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.
5	Uttering any word, or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.
6	Appearing in a public place, &c. in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.

Chapter XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.

W. MORGAN,
Clerk of the Council.

Printed for Government, by JOHN FIRTH, at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

1480

FOURTH SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 9TH APRIL 1857.

Legislative Council.

7th March 1857.

The following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee, who are to report thereon after the 21st of June next:—

A Bill for Extending the Jurisdiction of the Courts of Criminal Judicature of the East India Company in BOMBAY, for Simplifying the Procedure thereof, and for Investing other Courts with Criminal Jurisdiction.

Preamble.

Whereas it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bombay, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the Presidency of Bombay as are subject to the general Regulations of the Bombay Code; It is hereby enacted as follows:—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code, except so far as is hereinafter otherwise expressly provided.

Chapter I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Bombay shall possess the appellate and other criminal jurisdictions now exercised by it, except so as the same are altered or modified by this Act.

Chapter II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following:—

COURTS OF SESSION;

COURTS OF THE MAGISTRATES;

SUBORDINATE COURTS; namely—

Subordinate Criminal Courts of the first Class.

Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division, in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor in Council shall from time to time pass.

Declaration on entering upon office.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and

subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

"I, *A. B.*, appointed of the Court of do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers.

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

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

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code, or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII. Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II., whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorised as such officer, to investigate or report on any matter of law or fact;

Every head jailor;

Every head officer of police;

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts; their jurisdiction as to offences.

13. In cases tried by the Courts of Sessions in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Magistrates; their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts, first class; their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorised by the Penal Code.

Subordinate Criminal Courts, second class; their penal jurisdiction.

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 Clauses 8 and 9 Chapter III. of the Penal Code, in awarding the period of imprisonment in default of payment of

Imprisonment in default of payment of fine.

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.

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

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorised to hold the preliminary inquiry into cases triable by the Session Courts, 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.

Chapter III.

PRELIMINARY RULES.

Complainants and witnesses to be examined without oath, affirmation, or warning.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

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

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

Chapter IV.

OBTAINING A SUMMONS OR WARRANT.

Proceeding to compel appearance.

1. Where an offence has been committed, or is suspected 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 preliminary inquiry concerning the same, may be by summons or arrest.

Summons.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Arrest.

3. The proceeding by arrest may be either—

(1.) By warrant;

(2.) Or by a private person without warrant;

(3.) Or by an officer without warrant.

Complaint.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

To be reduced into writing and signed.

5. Every complaint made before a magistrate or head officer of police, 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 head officer of police issuing the summons or warrant.

Magistrate how to proceed on complaint.

6. Upon such complaint duly made before a magistrate, 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 Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Head officer of police how to proceed on complaint.

7. Upon such complaint duly made before a head officer of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such head officer there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

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

8. Every summons issued by a magistrate or head officer of police to a person so accused shall be in writing, under the hand and seal of the magistrate or head officer of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a head officer of police, to appear before such head officer at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons how to be served.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Notwithstanding summons, warrant may issue in certain cases.

10. A magistrate or head officer of police 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.

Warrant when grantable for an offence committed beyond local jurisdiction.

11. A magistrate of one district or head officer of one 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.

Where an offence may be investigated and tried in

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which

one of two or more jurisdictions.

have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. 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 of 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 of 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.

Receiving, &c. stolen property.

17. 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.

Unlawfully receiving property.

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

Escape from lawful custody under sentence.

19. Any offender 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 where he shall be apprehended and retaken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. 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.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged, or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article 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 mentioned, 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.

What is a district, and what a division.

23. 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 moonsiff or head officer of police be deemed a division; provided that nothing herein contained shall be held as authorising a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX. Article 1 of this Act.

Chapter V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name, or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorised to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a head officer or nazir.

5. A warrant directed to a head officer of police or to a nazir may be executed by any officer subordinate to such head officer of police or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. 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.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorised to execute a warrant, aid him in executing the same, if the person so authorised be near at hand, and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, 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 who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII. Article 7 or Chapter XV. Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution, in the same manner as if the warrant had originally issued from himself. On such person being apprehended and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

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

12. If a person, for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV. Article 11, is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorised by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate, if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Head officer of police how to proceed in such cases.

13. If the warrant under Chapter IV. Article 11 shall have been granted by a head officer of police, the head officer of police shall send the person arrested to the magistrate to whom such head officer of police is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another division of the district in which the division of the head officer of police who granted the warrant is comprised; in such case the head officer of police who granted the warrant shall send the person arrested to the head officer

of police of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant how to be executed.

16. 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 words or actions.

No unnecessary restraint.

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

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If, on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorised to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavour to arrest.

21. If, after notice by one authorised by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavour to arrest him, the person so authorised is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorised by warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer 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.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorised by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any 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.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, 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 precaution as may be necessary to prevent the escape of the accused, and shall endeavour to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to excute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process entrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

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

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the mean time, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

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

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise, or otherwise, to make any disclosure, but shall, when necessary, apprise him of the cause of arrest, and leave him free to speak or keep silence; and no such officer

or other person shall after such arrest 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 VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence, for which a warrant may issue on complaint, is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. 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 a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested 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 police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the 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.

6. 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.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to 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.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

Chapter VII.

OF ESCAPE AND RETAKING.

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

1. If a person lawfully arrested on a criminal information 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 on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to retake any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

Chapter VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the head officer of police within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a head officer of police may, in the event of the head officer not being able to proceed in person, be executed by any officer subordinate to such head officer, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

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

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings, place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

Search warrant when grantable by a head officer of police.

5. Whenever a head officer of police shall consider that the production of any thing or things 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 or things in any dwelling or dwellings, place or places, 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 or things in such dwelling or dwellings, place or places.

How to be executed.

6. The head officer of police 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 burkundaz.

When a head officer of police may require a head officer of police of another division to issue a search warrant.

7. A head officer of police may require the head officer of police of another division, 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.

Representations regarding anything for which search is to be made to be sent to magistrate.

8. The head officer of police when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

When the search is to be made.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

Breaking of door.

10. If the door 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.

11. 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.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner 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.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, 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 despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Chapter IX.

PRELIMINARY INQUIRY BY THE POLICE.

Offences into which the police officers may not inquire without special authority.

1. A head officer of police shall not inquire into any of the following offences, punishable under the Penal Code, unless specially authorised by the magistrate to do so, namely—

Offences under Chapter IX.; provided that it shall be competent to a head officer of police to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X., except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI.; provided that it shall be competent to a head officer of police to inquire into any offence under Chapter X. committed in contempt of his own authority.

Offences under Chapter XI., except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV., except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI., Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII., Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

When the head officer of police may issue his warrant.

2. Upon complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such head officer to issue his warrant to apprehend such person, and to cause him to be brought before such head officer.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such head officer before whom such a complaint is made, instead of issuing

his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such head officer.

When head officer of police shall issue summons.

4. Upon a complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence into which he is authorised to inquire, and which is punishable with imprisonment for a period not exceeding six months, such head officer shall issue his summons to such person, requiring him to appear before such head officer.

When the head officer of police may stay issue of process.

5. In the event of its appearing to the head officer of police that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the mean time suspended. On the receipt of the head officer's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the head officer to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the head officer of police shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Head officer of police may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a head officer of police from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorised to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the head or other officer of police to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other head officers of police, whether subject to the same magistrate as himself or to the magistrate of any other district.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the head officer, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a head or other officer of police to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The head or other officer of police shall complete the inquiry with as little delay as possible, and if the head officer himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the head officer, who 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.

12. 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 forty-eight hours; and provided, also, that it shall be competent for a head or other officer of police, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The head officer shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Head officer how to proceed in cases of deficient evidence.

13. If it shall appear to the head officer of police that there is not sufficient evidence 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.

Proceedings of the head officer of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the head officer of police shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The head officer of police shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognisance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A as not bailable shall not be admitted to bail; provided that 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 police shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the head officer of police 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; 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.

17. 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.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, 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 recognisance to appear before the magistrate.

19. 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 thither 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.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognisances; but if any witness shall refuse to attend, or to execute the recognisance directed in the last preceding Article, it shall be competent to the head officer of police to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the head officer of police may be exercised in his absence or illness.

21. The powers to be exercised by the head officer of police 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 burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognisable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorised cognisance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognisance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate; but it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How head officer of police is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorised to receive cases coming within its jurisdiction on the report of a police officer, the head officer of police shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

Chapter X.

OF CONTEMPTS, AND DISOBEDIENCE OF ORDERS.

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

1. When any such offence as is described in Clause 39 of Chapter XI. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the said Clause.

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

2. When any of the offences described in Chapter X. of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorised by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

Punishment may be remitted on submission of the offender.

Chapter XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

Advocate General may file criminal charges.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any Criminal Court; also to withdraw such charge, and to file another.

To follow the rules relating to charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

Chapter XII.

PROSECUTIONS IN CERTAIN CASES.

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

1. Charges of offences punishable under Chapters VI. and VII. 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 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.

2. 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 Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but 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.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI. of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

Mode of proceeding in cases mentioned in the two last-preceding Articles.

4. When a court of justice, judge, or magistrate, 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 two preceding Articles, the court, or judge, or magistrate, 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; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognisance, and to try such person upon its own charge.

Chapter XIII.

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

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

Magistrate may issue his warrant.

1. 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 Schedule A 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; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II. Article 10 Clauses 3, 4, and 5, relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

Postponement of issue of process.

2. 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 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 induce the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

3. It shall be at 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.

4. 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, 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. In case the party does not appear, and deliver himself up within the period fixed,

Attachment of property.

it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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 six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

19. The examination of the defendant, 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, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, 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 defendant's statement. No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Examination to be admitted as evidence on the attestation of the magistrate.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which, from the evidence, he may appear to have committed.

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

21. 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.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of housebreaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in, or privy to, the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

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

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person 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.

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

26. In like manner it shall be competent to a Session Court, 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.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

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

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A of this Code of Procedure, such person shall not be admitted to bail, provided that 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.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A of this Code of Procedure, he shall at once be admitted to bail.

Recognisance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognisance in such sum of money as the magistrate shall think sufficient is to 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 at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. 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.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. 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 gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. 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 in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. 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, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known; but if it be not known, then a description of his person, stating the refusal to tell his name; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol; and if he

be not, with his deputy; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. 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 that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; 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 a recognisance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant 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.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty 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 Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

Chapter XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant 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 defendant is charged, and within the cognisance of what court the offence is, and shall direct that the defendant be tried by the said court on the said 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.

How the offence is to be described.

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

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

3. 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 the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. 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 defendant 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.

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

5. Where the Chapter and Clause 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 Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

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

Heads of charge.

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 has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of Penal Code *(c)*, and within the cognisance of the [*style of the Court*].

On Clause 1 Chapter VI.

(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)*,
within my cognisance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*:

(2.) That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code.

On Clause 4 Chapter VI. applied to Clauses 3 Chap. VI. and 28 Chapter XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4.) That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 1 Chap. IX.

(5.) That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6.) That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7.) That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8.) That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9.) That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10.) That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11.) That he, being a public servant in the post office department, and being, as such, entrusted with the keeping of a packet, has committed criminal breach of trust, by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under
and within the cognisance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII. of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII. of the Penal Code, both such offences being within the cognisance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 81 Chapter XVII. of the Penal Code.

On Clause 81 Chap. XVII. applied to Clauses 2 and 80 of the same Chapter.

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

Charges containing Two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

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

Two or more offences punishable under the same Clause.

10. 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 Clauses of the Penal Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause 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 Clauses, or charging respectively each of such offences accordingly.

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

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

Form of charge of more than one head.

Forms of Charge.

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

First. That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 13 and 14 Chapter XII.

Secondly. That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 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 intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. 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 knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 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.*]

First. That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 4 and 6 Chapter XVI.

Secondly. That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 4 Chapter XVII.

Secondly. That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Thirdly. That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

Fourthly. That he has 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 has thereby committed an offence punishable under Clause 4 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

First. That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, and within the cognisance of the [*style of the Court*].

On Clauses 2 and 23 Chapter XVII.

Secondly. That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 Clauses of the Penal Code.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

Amendment of charge.

13. 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 defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When the trial may be immediately proceeded with after amendment.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant 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

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

whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

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

Chapter XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

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

Cases in which magistrate may issue a warrant.

1. 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.

Postponement of issue of process.

2. 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 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 induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall 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.

Magistrate may direct bail to be taken.

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

Magistrate may dispense with personal attendance of accused.

4. 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V. Article 10 or Article 11 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.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation, requiring the absent party to appear to answer the complaint within a fixed period not less than one month 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. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article 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.

Attachment of property.

Property after six months to be at the disposal of Government.

If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. 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 the 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.

8. 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.

In what cases warrant in the first instance.

9. 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 him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any witness shall refuse to answer such questions concerning the premises 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 such witness to custody for any term not exceeding seven days, unless he shall in the mean time consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2 or Chapter XII. Article 4.

Examination of Parties, and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case as referred to in Article 1 of this Chapter is brought before a magistrate, 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; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

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

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall, of his own accord, propose to confess the commission by him of the offence of which he supposes himself to be 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.

No influence to be used to induce disclosures.

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

Examination of the defendant how to be recorded.

20. The examination of the defendant, 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, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it, at the foot of the examination; and whether the defendant signs it or not, 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 defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

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

22. 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.

Bail, and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII. Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII. Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV. of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

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

Evidence for the defence.

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, 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.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant 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.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other 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 XIII. for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

Chapter XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

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

Summons shall issue.

1. 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 Chapter XV. of this Code of Procedure, 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.

When warrant may issue.

Service of summons.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certfy the service of the said summons.

When magistrate may refuse summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate 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.

If summons be not obeyed, warrant.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and 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, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

Magistrate may dispense with personal attendance of accused.

5. The magistrate may, if he see 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. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

Summons to witness to attend and give evidence.

6. 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 defendant in any case which may be tried according to the rules of this Chapter, 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.

Diet money for witnesses.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, 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.

Magistrate may summon necessary evidence.

8. 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.

Application of previous rules.

9. The provisions of Chapter XV. Articles 8, 9, and 10, shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Bail.

Defendant may be admitted to bail, or to be at large upon personal recognisance.

10. If, upon the day and at the place appointed, the defendant 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 defendant 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. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII. Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Appearance, Examination of Parties, and Evidence.

Non-appearance of complainant.

11. If, upon the day appointed for the appearance of the defendant, 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.

Admission by defendant of truth of complaint.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, 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.

Proceeding when no such admission is made.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant, and such witnesses as he may examine in his defence; and, having heard the parties and their witnesses, shall consider the whole matter, and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the 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, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at 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 doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Adjournment.

15. 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 defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV. for the preferring of criminal charges, and in Chapter XV. Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant 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 defendant 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 gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Chapter XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. 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.

2. 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 referred, and the witnesses shall be directed by the summons to attend at such Court.

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

3. 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.

4. 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 stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or, if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evidence, as if no proceedings had been held in any other Court.

Mode of proceeding in cases beyond jurisdiction.

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

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

Chapter XVIII.

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

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that, during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

Place where investigation made, an open Court.

Chapter XIX.

OF RECOGNISANCE AND SECURITY TO KEEP THE PEACE.

1. 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, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's 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 from the time of the prisoner's discharge, 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 Session Court.

Personal recognisance to keep the peace in cases of conviction.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognisance of the party, it shall also be lawful to the Court passing the final sentence or order to direct 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 Session Court.

Security to keep the peace.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognisance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognisance may not have been convicted of any specific offence.

Personal recognisance without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognisance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

Security without conviction.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and, in default of such recognisance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognisance and security, as well as the number of sureties which should in his judgment be requir-

For more than one year.

ed, and the period for which the recognisance and security should be required, which, however, shall in no case exceed three years. If the party shall not furnish the recognisances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them, and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognisance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

Inprisonment not to exceed period of recognisance and security.

7. *Provided always*, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognisance and securities have been required from him.

When magistrate may release persons under requisition of security.

8. 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 to keep the peace, whether by their own orders or by those of any other person exercising the powers 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.

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

How persons who have become sureties may discharge themselves.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty of personal recognisance.

11. Whenever it may be proved before the magistrate, that any such recognisance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognisance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty by sureties.

12. Whenever it may be proved before the magistrate, that any such recognisance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XX.

SECURITY FOR GOOD BEHAVIOUR.

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

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property, knowing the same to have been stolen, 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.

2. 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 Session Court.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, 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 and equitable.

Session Court may require security not exceeding three years.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

What the order for security is to contain.

5. In every instance in which security for good behaviour may be required by the Session Court, 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.

6. In the event of any person required to give security under the provisions of the foregoing Articles 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.

7. 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.

8. 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 Session Court, 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 may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties, may at all times obtain a discharge from their future responsibility, by delivering up, or causing to be delivered up, the parties for whom they may have become responsible, to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. 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 shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; 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 gaol of the station, during a period not exceeding six months.

Chapter XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such order; and the said Governor in Council may from time to time revoke or alter such order.

Trial by jury, before the Session Court, of registered persons.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor in Council may see fit to extend this rule, registered according to such rules as the Governor in Council shall prescribe, is the defendant,

How the jury is to be constituted.

or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Joinder of registered and non-registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered and the remaining half non-registered persons.

Number of which the jury is to consist.

5. In all trials before the Session Judge, the jury shall consist of not less than three, nor more than nine persons; and unanimity, or a majority of not less than two-thirds

Number of voices necessary to a verdict of guilty.

with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Jury not to consist of less than three.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor in Council shall from time to time direct.

Trials before the Session Court with assessors.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court 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 assessors, and shall be liable to be summoned accordingly.

Sudder Court to make rules in regard to jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall, before they are issued, have received the sanction of the Governor in Council.

Chapter XXII.

TRIALS BEFORE THE SESSION COURTS.

Cognisance of offences by the Session Court in original jurisdiction.

1. Except in the cases referred to in Chapter XII. Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognisance of any offence, but upon a charge preferred by the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. *It shall be competent to a Court of Session* to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

5. If the defendant plead "guilty," the judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

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

6. If the defendant 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.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the judge, 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, and signed by him in the presence of the judge. In case the witness shall refuse to sign the deposition, the judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the judge shall think fit to make. It shall be at the discretion of the judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the judge upon the objection. The judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises 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 mean time consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X. Article 2, or Chapter XII. Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. *It shall be at 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.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

14. The defendant 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 or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV. Article 14.

Witnesses for the defence.

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

Adjournment.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given separately and recorded. 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.

Delivery of opinions of assessors.

Of verdict of jury.

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

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars, in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

Chapter XXIII.

SUDDER COURT.

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, *it shall annul the conviction; but it shall be competent to the Court to pass a judgment convicting the defendant of the* offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

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

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the *conviction, shall 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.

Hearing of case referred, tried by jury.

Chapter XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

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

Form of finding and sentence.

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 of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI. of the Penal Code; and the Court directs that the said Z [*sentence*].

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

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty—

3*rd*. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code, the Court directs that the said Z be [*sentence*].

4*th*. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI. of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI. of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI. of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5*th*. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more 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—

6*th*. The Jury (*or* the majority of the Jurors consisting of of their number, as the case may be) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge: namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 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 abovementioned Clauses, and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials with Assessors—

7*th*. The Court, concurring with the Assessors (*or* one or more of the Assessors), finds that Z is guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be [*sentence*].

8*th*. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII. of the Penal Code; and the Court directs that the said Z be discharged.

9*th*. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge; namely that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII. of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code; and the Court directs that under the provisions of the abovementioned Clauses and the provisions of Clause 18 Chapter III. of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors—

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

11*th*. 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 Clause 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—

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

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

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses 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.

7. Where 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.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, 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.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate 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.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, 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 like manner, 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 XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, 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 Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calen-

dars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it think fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by Jury in the Session Court, 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 Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the 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. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and, if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Chapter XXVI.

APPEALS.

No appeal in cases of acquittal.

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

Appeal in cases of conviction.

2. An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, 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.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of Subordinate Courts.

10. It shall be at all times lawful for a Session Judge 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 regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing 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 also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE

SCHEDULE A.

Explanatory Notes.—1st. The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd. The term "Bailable or not," in Column 3, is to be taken in connection with the provisions of Chapter XIII. Articles 28 and 29 of the Code of Criminal Procedure.

3rd. No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th. The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

Chapter V.—OF PRINCIPALS AND ABETTORS.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
5	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence penalties.....	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence..	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment..	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{4}$ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding $\frac{1}{2}$ of the longest term.	
14	Abetting the commission of an offence by the public, or by more than ten persons.	Idem	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem not exceeding 7 years, and fine.	
	If the offence be not committed	Idem	Idem	Idem not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding $\frac{1}{2}$ of the longest term, or fine, or both.	

	If the offence be punishable with death or transportation	Not bailable	By the Session Court.....	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.....	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅓ of the longest term, or fine, or both.	

Chapter VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable.....	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.....	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added ; or simple imprisonment not exceeding 3 years, to which fine may be added ; or fine simply.	
6	Waging war against any Asiatic power in alliance or at peace with the East India Company, or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added; or fine simply.	
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.	
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.	
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.	
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny, or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.	
2	Abetment of mutiny, if mutiny is committed in consequence thereof..	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
4	Abetment of such assault, if the assault is committed	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
5	Abetment of the desertion of an Officer, Soldier, or Sailor	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted *Exception.*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.	
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.	

Chapter VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem.	Idem.
8	Rioting, armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place, not giving notice to the Police, or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

Chapter IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant.	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II., Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property	Idem	Idem	Idem	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant, with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

Chapter X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c. in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If the notice or information required respects the commission of an offence, &c.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 1.
15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorised sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Chapter XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Idem.	Idem.
8	Using as a true certificate one known to be false in a material point..	Idem	Idem	Idem.
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.
10	Using as true any such declaration known to be false	Idem	Idem	Idem.
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.
	If punishable with less than fourteen years' imprisonment	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term, and fine, or both.
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate.	Imprisonment of either description to 6 months, or fine, or both.
13	Giving false information respecting an offence committed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court.	Idem not exceeding 3 years, or fine, or both.
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.
18	Fraudulently suffering a decree to pass for a sum not due, or suffering a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital, or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender, if the offence be capital	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court.	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
	If with imprisonment less than fourteen years.....	Bailable	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem	Session Court.....	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation for life, or with imprisonment to fourteen years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment to one year and not to fourteen years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.	
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.				
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Idem.	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court.....	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than fourteen years	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court.....	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to fourteen years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than fourteen years	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant....	Idem	Magistrate as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
.	If charged with an offence punishable with transportation for life, or imprisonment to fourteen years.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.....	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for fourteen years or upwards.	Idem	Idem	Idem	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine, and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court.....	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
9	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.
11	Having any counterfeit Coin, known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.
12	The same with respect to the Queen's or Company's Coin.....	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine, not exceeding 10 years, and fine.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
13	Knowingly delivering to another any counterfeit Coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	Not Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by Law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight, or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight, or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.	
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.	
	Delivering it as genuine, or as a Coin of a different description	Idem	Idem	Idem not exceeding 5 years, also fine.	
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.	
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.	
26	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.	
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.	
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.	
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.	
30	Sale of counterfeit Government Stamp	Idem	Idem	Idem not exceeding 7 years, also fine.	
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.	
32	Using as genuine a Government Stamp known to be counterfeit	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it, with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	
34	Using a Government Stamp known to have been before used	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
35	Erasure of mark denoting that Stamp has been used	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	

Chapter XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure	Idem	Idem	Idem.
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem.
5	Making or selling false weights or measures for fraudulent use	Idem	Idem	Idem.

Chapter XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.
3	Maliguantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Knowingly disobeying any rule of the quarantine laws	Idem	Idem	Idem not exceeding 6 months, or fine, or both.
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
6	Selling any food or drink as food and drink for man, knowing the same to be noxious.	Idem	Idem	Idem.
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.
8	Offering for sale, or issuing from a dispensary, any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.
10	Defiling the water of a public spring or reservoir	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months; or fine not exceeding Rupees 1,000, or both.
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.
16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.
18	So dealing with any explosive substance	Idem	Idem	Idem.
19	So dealing with any machinery	Idem	Idem	Idem.
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c. of obscene books, &c. *Exception.*—Not to extend to any representation on or in any Temple, or on any car used for the conveyance of idols.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
25	Having in possession obscene books, &c., for sale or exhibition	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

Chapter XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship, or sacred object, with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem	Idem	Idem	Idem.
5	Uttering any word of making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

Chapter XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life	Idem	Idem	Death.	
6	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane, or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding fourteen years, and also fine.	

8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
10	Attempt to commit murder, and doing any act, &c. with such intention, or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
	If the woman be quick with child	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
15	Causing miscarriage without woman's consent	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Idem not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.

Of Hurt (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation; not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life, or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of Wrongful Restraint, and Wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate, or Subordinate Criminal Courts 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate, or Subordinate Criminal Courts 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.	
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.	

48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.	
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Idem	Idem	Idem.	
51	While keeping a person in wrongful confinement, omitting to furnish him with anything necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

Of Criminal Force and Assault.

55	Using criminal force otherwise than on grave provocation	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.	
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
57	Using criminal force in attempt to murder	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
59	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.	
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.	
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
62	Using criminal force on grave and sudden provocation	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.	
63	Assault in cases not specially provided for, when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.	

Of Kidnapping, Forcible Abduction, Slavery, and Forced Labour.

68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage, or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves	Not bailable	Idem	Idem.	
76	Unlawful compulsory labour	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine	Cumulative.

Of Rape.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Chapter XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
3	Theft by clerk or servant of property in possession of master or employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.	
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.	

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.
16	Voluntarily causing hurt in committing or attempting to commit robbery, to any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
18	Murder in dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
19	Robbery or dacoity with attempt to cause death or grievous hurt	Idem	Idem	Imprisonment not less than 7 years.
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also fine.
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.
24	Being one of five or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's one use.	Bailable	Magistrate, as limited by Chapter II. Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
29	Criminal breach of trust by a clerk or servant	Idem	Idem	Idem not exceeding 5 years, also liable to fine.	
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.	

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen	Not bailable	Session Court, when the value of the property, which is the subject of the offence, exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.	
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
34	Habitually dealing in stolen property	Idem	Idem	Idem.	
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	

Of Cheating.

38	Cheating	Bailable	Magistrate or Subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable.....	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.

Of Mischief.

49	Mischief	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage, attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful, a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court.....	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel, or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
69	Criminal trespass	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-trespass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year, added to one-third of the longest term for the offence intended, and also fine.	
75	House-trespass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years, added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
80	Lurking house-trespass or house-breaking by night	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court, if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to a fine.	
85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both	Idem.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
4	Forgery or using a forged document with intent to injure or deceive	Idem	Idem	Idem.
5	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
8	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
10	Uttering or using as genuine a forged document which is known to be forged.	Idem	Idem	As for forgery.
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
13	Having possession of a valuable security or will, knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
17	Fraudulently destroying or defacing, or secreting a valuable security	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.

Of Trade and Property-Marks.

22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c. of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.

Of Trade and Property-Marks (continued).

1 Clause.	2 Offence.	3 Whether Bailable or not.	4 By what Court Triable.	5 Penalty.	6 When admitting of Cumulative Punishment.
28	Making use of any such false mark	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury	Idem	Idem	Idem.	

Chapter XIX.—THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.	
2	A seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.	
3	Being bound to attend on, or supply the want of, a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200, or both.	
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service, or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.	

Chapter XX.—OFFENCES RELATING TO MARRIAGE.

1	A man, by deceit, causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
2	A woman committing the same offence with a man	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.	
3	Marrying again during the lifetime of a husband or wife	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to to fine.	
5	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.	
6	Adultery	Idem	Session Court or Magistrate	Imprisonment of either description not exceeding 5 years, or fine, or both.	
7	Enticing or taking away a married woman	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

Chapter XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter, knowing it to be defamatory	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem.

Chapter XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.
	If threat be to cause death or grievous hurt, &c.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
3	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.
5	Uttering any word, or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.
6	Appearing in a public place, &c. in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.

Chapter XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.

W. MORGAN,
Clerk of the Council.

Printed for Government, by JOHN FIRTH, at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

THE

BOMBAY GOVERNMENT GAZETTE

EXTRAORDINARY.

Published by Authority.

SATURDAY, 11TH APRIL 1857.

NOTIFICATION.

POLITICAL DEPARTMENT.

The Right Honorable the Governor in Council has the highest gratification in publishing for general information the following Despatches received from Lieutenant General Sir James Outram, K C.B., Commanding the Expeditionary Force against Persia, to the address of Lieutenant General Sir Henry Somerset, K.C.B., K.H., Commander in Chief of the Bombay Army, and from Acting Commodore J. W. Young, I. N., Commanding Persian Gulf Squadron, to the address of Rear Admiral Sir H. Leeke, K.H., R. N., Commander in Chief of the Indian Navy, both dated the 27th March 1857, announcing the Capture, on the preceding day, by the British Forces, of the Forts defending the Entrance of the River "Karoon," and the Abandonment, by the Persian Army, of the Entrenched Camp near the Town of Mohumra.

By order of the Right Honorable the Governor in Council,

H. L. ANDERSON,

Bombay Castle, 11*th April* 1857. Secretary to Government.

The British Force under my command, composed as follows,† was the utmost I deemed it prudent to withdraw from Bushire; but with the aid of four armed steamers and two sloops of war to effect my landing, I felt confident of success, although I anticipated some loss from what I learnt of the determination expressed by the Enemy to oppose our further advance to the utmost of their power, and their extreme confidence of succeeding, as evinced by the fact of their having sent away their baggage cattle.

† H. M.'s 14th Light Dragoons	89	392
Sind Horse	303	
H. M.'s 64th Foot	704	1,534
Do. 78th Highlanders	830	
23rd Regiment N. I.	749	2,385
26th do.	716	
Light Battalion	920	
Bombay Sappers and Miners	109	233
Madras do.	124	
12 Guns — 3rd Troop H. A.	166	342
12 Guns — No. 2 Light Fd. Battery.	176	
Total		4,886

8. On the 24th instant the steamers, with transport ships in tow, moved up the river to within three miles of the Southern battery, opposite the Arab village of Hurteh; but as some of the large ships shoaled on the way, and did not reach the rendezvous until after dark, I was obliged to defer the attack for another day. During the night a *reconnaissance* was made in a boat to ascertain the nature of the soil of an island west of, and immediately opposite, the Northern battery, where I wished to erect a mortar battery; but as it was found to be deep mud, I determined to place the mortars upon a raft. This was constructed the following day, under the superintendence of Captain Rennie, I. N., and, being armed with two 8-inch and two 5½-inch mortars, with a party of Artillery under Captain Worgan, was towed by the steamer "Comet" and moored in position close to the island during the night, unobserved by the Enemy, who, from our preparations at the rendezvous, and their confidence as to the impossibility of any vessel being able to pass above their batteries, apparently expected we should land on the Southern island ("Abadan"). The horses and guns of the Artillery, a portion of the Cavalry, and the Infantry, were transhipped into boats and small steamers during the day, in readiness for landing the following morning.

9. At break of day on the 26th the mortars opened their fire upon both the Northern and Southern batteries: the range of the 5½-inch proved too short, but the 8-inch shells were very efficient, bursting immediately over and inside the Enemy's works, whilst from the position of the raft but few of the Persian guns could be brought to bear upon the mortars. At 7 o'clock the several vessels of war moved up into the positions allotted them by Commodore Young, and by 9 o'clock the fire of the heavy batteries was so reduced that the small steamers, with boats in tow, and one large steamer, the "Pottinger," towing the transport "Golden Era," were able to pass up and land the Troops above the Northern battery without a single casualty amongst the Troops, although they had to run the gauntlet of both gun and musket fire; two or three Native followers only were killed, in consequence of their unnecessarily exposing themselves.

10. By half past 1 o'clock the Troops were landed, and formed and advanced without delay through the date-groves and across the plain upon the Entrenched Camp of the Enemy, who, without waiting for our approach, fled precipitately, after exploding their largest Magazine; leaving, as I have before stated, their tents and baggage, public and private stores, with several Magazines of ammunition, and sixteen guns, behind. The want of Cavalry* prevented my pursuing them as I could have wished, but I despatched a party of Sind Irregular Horse, under Captain Malcolm Green, to follow them up for some distance. This Officer reported that he came upon their Rear-guard retiring in good order, but that the road in many places was strewed with property and equipments. The loss of the Persians has been estimated at 200 killed, among whom was an Officer of rank and estimation, Brigadier Agha Jan Khan, who fell in the Northern battery.

* Only one Troop of Sind Horse having been able to land in time.

11. I beg to annex a report received from Commodore Young, with copy of a letter I had previously caused to be addressed to that Officer, expressing my entire satisfaction with the Naval operations; indeed, it was impossible for my instructions to have been more ably or more successfully carried out, and the Commodore and every Officer and Man under his command have nobly earned my warmest thanks. From Commodore Young, ably seconded by Captain Rennie, and the other Officers of the Fleet, and Masters of Transports, I have throughout received every possible assistance.

12. With exception of the Artillery with the mortar battery under Captain Worgan, no portion of the Military Force was actively engaged with the Enemy, beyond some European Riflemen sent on board the war vessels; but I am not the less indebted to all for their exertions and zeal, and especially for the great order and despatch with which the landing of the Troops was effected under Brigadier General Havelock, C.B. The highest spirit prevailed, and had the

large Persian Army only waited our approach out of the range of the ships' guns, I feel confident that it would have received a lasting lesson.

13. From recent information I learn that the Persian Force, in a very disorganised state, is still in full retreat, and I propose to despatch immediately up the "Karoon," to Ahwaz, three small armed steamers, with 100 European Infantry in each, for the purpose of making a *reconnaissance*, and, if practicable, effecting the destruction of the Magazines at that place.

14. I take this opportunity of recommending to your Excellency's notice Colonel Lugard, C.B., the Chief, and the several Officers of my General and Personal Staff; the Brigadier General; the Brigadiers, and their respective Staff; as also the Officers commanding the several Regiments, Batteries, and Detachments of Cavalry, and Heads of the Departments composing this Force, upon whom much responsibility has devolved, and whose zeal and exertions throughout this Expedition have been most praiseworthy.

15. To Captain Kemball, Bombay Artillery, Consul General at Bagdad, I am much indebted for his very valuable assistance; also to Major Taylor, as well as to Lords Dunkellin, Seymour, and Schomberg Kerr, who volunteered their services on my Staff.

I have the honour to be, &c.

(Signed) J. OUTRAM, Lieutenant General,
Commanding Expeditionary Force.

RETURN showing the Number and Description of ORDNANCE STORES abandoned by the Enemy at Mohumra on the 26th instant.

Camp before Mohumra, 28th March 1857.

	Number.	Description.	Remarks.
16 Guns and 1 Mortar.	1	12-pr. Brass Gun, Russian	Requires bouching.
	1	12-pr. ditto Persian	In good order.
	1	12-pr. ditto	Spiked.
	1	9-pr. ditto	
	1	9-pr. ditto	
	1	9-pr. ditto	In good order.
	2	Brass Guns, 6-prs.....	Taken by the Navy from the Southern Fort.
	2	Ditto	Calibre not known, being buried in the mud, but apparently 18-pounders.
	1	8-inch Brass Mortar	Unserviceable, mounted on a platform cart.
	2	9-pr. Iron Guns	These are old ship carronades, and are mounted on ship truck carriages, apparently made here; they are unserviceable.
	4	6-pr. ditto	
	132	Tents, of different sizes	30 of these were found in the upper or Khanler Meerza's Camp; 80 in the lower or Ebrahim Meerza's Camp; 22 in the Camp of the Northern battery. They have all been distributed among the Troops.
	16	Gun Wheels (spare).....	*Found in the Enemy's Magazines.*
	13	Gun Axle-trees, some old Iron-work for Guns, some incomplete sets of Harness.	
	100	Cartridges attached to Shot and Shell ..	
	300	Boxes, containing 36,000 of fixed or Gun Ammunition, 3,600 loose Shot or Shell, and 14,400 lbs. of Powder	
	4,000	Loose Shot and Shell	These are being collected and brought in.
	144,000	Powder, lbs.....	Destroyed by the explosion.*
	14,400	Ditto	Captured.*

* During the morning of the 26th instant there were apparently one very large and six smaller explosions near the Northern Forts; in the afternoon one very large and one small explosion in Khanler Meerza's Camp. Near this latter large one I have found the remains of about 500 ammunition boxes; it may therefore be assumed that 6,000 cartridges attached to shot and shell were then destroyed. *Esti-*

mating the large one in the morning at the same, and each of the eight (8) smaller at one-half, we have in the two large Magazines 6,000 × 2 = 12,000 × 4 lbs. Powder = ... 48,000 lbs. Powder.
In 8 small Magazines 3,000 × 8 = 24,000 × 4 = ... 96,000 ditto.

Total destroyed	144,000	ditto.
We have captured	14,400	ditto.
These make the total loss to the Enemy	158,400	ditto.

(Signed) J. N. Finnimore, Captain,
Field Commissary of Ordnance.

To Colonel E. Lugard, C.B.,
Chief of the Staff.

Camp Mohumra, 28th March 1857.

Sir,—I have the honour to report, for the information of the Lieutenant General Commanding, that large quantities of Flour, Grain, Dates, Chopped Straw, &c. were found in the Camps abandoned by the Enemy on the 26th instant, which were distributed to the Troops and Followers on the spot. No account of these articles could be taken, as none of the Commissariat Establishment had then been landed, but they have been nevertheless made available for the Public Service by their issue diminishing the demand on the Commissariat stock.

Very extensive Magazines of Flour, Wheat, and Barley, belonging to the Enemy, have been found in the town of Mohumra, over which guards have been placed in the mean time, and an accurate report of the contents shall be furnished as soon as it is found possible to weigh the same.

I have, &c.

(Signed) G. Pope, Lieutenant Colonel,
Deputy Commissary General.

No. 2 of 1857.

From Acting Commodore J. W. Young, I. N.,
Commanding Persian Gulf Squadron,

To Rear Admiral Sir Henry Leeke, K.H., R. N.,
Commander in Chief of the Indian Navy.

Dated H. C. S. F. Feroze, off Mohumra, 27th March 1857.

Sir,—With reference to the letter which I did myself the honour to address to you on the 18th instant, intimating that, consequent on the Lieutenant General Commanding the Persian Expeditionary Force having embarked on board of the "Feroze," it was my intention to leave Bushire on the morning of the 19th, for the purpose of proceeding to the attack of Mohumra, it has now become my agreeable duty to inform you that, after a severe bombardment from the Squadron, the Forts defending the Town were captured, and their Artillery secured, by the Force at my disposal yesterday.

In continuation of my letter already referred to, I will proceed to narrate the events as they occurred from the 18th instant up to the date on which the place fell.

Having left Bushire, as intimated, in the "Semiramis," with the Persian Gulf Squadron under my Command, Maamera, the rendezvous appointed, was reached on the evening of the 21st March. The 22nd and 23rd were occupied, before making a further advance, in the arrangement of details of attack. On the morning of the 24th the Fleet of Ships of War and Transports again got under weigh, and ran up river as far as the village of Hurteh, about four miles below Mohumra, where it was again brought to anchor to allow the Engineer Officers of the Force to erect a mortar battery for opening an attack on the morning

of the 25th, if a suitable site could be found on Dubber Island. A survey of the whole island having been made during the night of the 24th and 25th under the guidance of Commander Selby and Mr. Holland, both of the "Comet," and each possessed of much local experience, the idea of opening the bombardment from a land mortar battery had to be given up, in consequence of the extremely marshy nature of the land, and its slight elevation above the surface of the river. Commander Rennie, however, with his usual fertility of resource under such circumstances, employed himself next day in superintending the construction of a mortar raft, to be moored in the channel to the westward of the Dubbers, and succeeded so well in his endeavours that it was completed and placed in position late on the night of the 25th, without attracting the Enemy's attention.

By arrangement, the mortars were to open on the Forts defending the channel of approach to the Town at dawn, and so soon as this took place the Squadron was to move upwards in support, the ships taking up their positions in the following order: the "Semiramis," with "Clive" in tow, followed by the "Ajdaha," entered the western channel in support of the mortar battery; the "Feroze," "Assaye," and "Victoria" (the latter with "Falkland" in tow), remaining in reserve until the fire of the Forts was deranged. This was soon accomplished, on which the vessels in reserve entered the eastern channel, the "Feroze" opening her fire on the southern fort at less than point-blank range as she passed to take up her position against the north fort, and sufficiently in advance to receive support from the "Assaye" immediately astern of her. The division of ships in the western channel was then recalled, and joined in close attack,—the "Semiramis" and "Victoria" (the latter with the "Falkland" in tow) engaging the south fort as well as the inland one on the north side. Besides the fire maintained on the forts, frequent discharges of shell and grape were made in the direction where it was supposed the Enemy's Entrenched Camp was situated.

So effective was the fire from the ships, that in less than three-quarters of an hour from its commencement the batteries were only able to reply from three or four guns.

At this period (7 h. 45 m. A. M.) of the engagement the "Feroze," flying my pendant, hoisted the Rendezvous flag at her mast-head, which was repeated by the other vessels engaged, being the preconcerted signal for the troop-ships to advance. This movement on the part of the vessels in question not being made with such celerity as could be desired, Commander Rennie, of the "Feroze," volunteered to proceed through the fire to accelerate their advance, which was accomplished in admirable order, although at the time the fire from the batteries was far from being silenced.

From between 9 and 10 o'clock five heavy explosions in different parts of the fortifications indicated the overwhelming nature of the attack, and led me to suppose that the resistance hitherto offered could not continue much longer. I was therefore anxious to have the Troops landed as expeditiously as a due regard to their security would allow, so as a combined and simultaneous movement by the Naval and Military Forces might be made with the certainty of a successful issue, and, with this view, passed up river until close to Jaabers Fort, where the debarkation was effected easily and without interruption.

After the batteries had ceased firing artillery, a fire from musketry was opened from them, as well as from breastworks in their vicinity, and maintained with great spirit for some time, when storming parties were landed from the "Semiramis," "Clive," "Victoria," and "Falkland," who drove before them the last of the Enemy, and took possession of their works and guns.

Considering the strength of the fortifications, both as regards position and construction, with the numerous garrison and large number of guns which could be brought to bear on the ships, in consequence of their closeness to the Enemy's defences, which were likewise strengthened by breastworks occupied by large bodies of small-arm men, whose fire at times was annoying, I am thankful to say the casualties sustained by the Squadron during the engagement, so far as I have yet ascertained, amount only to 5 killed and 18 wounded.

According to these numbers, they have been comparatively few. This is in a great measure to be attributed to the very efficient protection afforded the Crews by a breastwork of trusses of pressed hay, which were placed round the several vessels. Hitherto the many matters of detail to be attended to at a time of great hurry has placed it out of my power to obtain authenticated lists of our actual loss. Neither have I an account of the damages inflicted on the shipping by the Enemy's fire. They have, however, been considerably cut up in their rigging, and injured in the hull, although rarely, if at all, under the water-line.

Before concluding, I feel it to be the most pleasant part of my duty to bring to your notice the great gallantry and coolness displayed by every Officer and Seaman under my

Command during the whole of the operations so successfully carried out. The important services rendered by Commander Rennie, of the "Feroze," are a further and honorable addition to an already well established reputation. Commander Selby, to whose local knowledge I am much indebted, elicited my warmest admiration by the dashing manner in which he carried the "Semiramis" into the channel leading to Mohumra between the forts on either bank. By the excellent way in which Commander Grieve, of the "Clive," Acting Commander Manners, of the "Victoria," and Lieutenants Commanding Tronson of the "Falkland," and Worsley of the "Ajdaha," handled their respective ships, and to the coolness and precision of their fire, much of the success of the day is to be attributed.

Special commendation is due to Commander Adams, of the "Assaye," for the gallant and most efficient manner in which he seconded my attack on the Northern forts. The conduct of Lieutenant Chitty, commanding the "Berenice," also calls for my approval, for conducting his vessel under shelter of the ships of war, past the batteries, with about fourteen hundred Troops and Followers on board.

Commander Nisbett, Agent for Transports, by the assiduity with which he had my arrangements carried into effect, was of material assistance. Lieutenant Sweeny, my Flag Lieutenant, besides buoying off the channel across the bar of the river, was invaluable in communicating my orders to the different ships of war and transports,—a duty which in action required more than usual exposure, and rendered his coolness conspicuous. Mr. Rogers, Clerk in Charge of the "Comet," who has been doing duty as my Secretary, deserves being brought to notice, for his services on this occasion were such as to meet with my warm approval.

To Acting Masters Commanding McLauren of the "Napier," Holland of the "Comet," Fletcher of the "Planet," Neale of the "Assyria," Davies of the "Ethersey" Flat, and Mr. Dark of the "Hugh Lindsay," my warmest acknowledgments are due, for the zeal and intelligence with which they acted on this occasion, and by all of whom my instructions were ably carried out. The peculiar nature of the service required to be performed rendered unavoidable the exposure of the steam transports to the effects of a musketry fire. The able manner, however, in which the Officers in Command of these vessels brought them through the ordeal with all but immunity was highly creditable and praiseworthy. To the Commanders of the transports generally too much praise cannot be accorded, for the willing assistance they rendered throughout the day, both personally and by availing themselves amply and with earnestness of the means at their disposal for the furtherance of the public service.

In conclusion, I beg to enclose for your information copy of a congratulatory letter to my address from Lieutenant General Sir James Outram, K.C.B., Commanding the Persian Expeditionary Force.

I have the honour to be, &c.

(Signed) J. W. Young, Acting Commodore,
Commanding Persian Gulf Squadron.

From Colonel Lugard, C.B.,
Chief of the Staff,

To Commodore J. W. Young, I. N.,
Commanding Squadron Persian Gulf.

Dated the 27th March 1857.

Sir,—I am instructed by Lieutenant General Sir James Outram, K.C.B., Commanding the Expeditionary Force, to express to you in warm terms the appreciation of the great service rendered by the Indian Navy yesterday in reducing the strong batteries which the Enemy had erected on the left bank of the Euphrates, to defend their Position at Mohumra; a service so ably planned and conducted by you, and so gallantly and effectually performed by the armed steamers and sloops of war "Feroze," "Semiramis," "Assaye," "Ajdaha," "Victoria," "Clive," and "Falkland," with their brave Crews, commanded by Captains Rennie, Selby, Grieve, Manners, and Adams, and Lieutenants Tronson and Worsley, that nothing was left for the Army to do, after being conducted by the Navy past the silenced

batteries, than to land and take possession of the Enemy's Entrenched Camp, which had been abandoned by them so precipitately as to leave all their tents and property, public and private, with a vast amount of ordnance stores and fourteen (14) guns; a small portion only of the personal effects of the Shah Zada, and five guns, having been carried away.

2. The Lieutenant General tenders to you, your Officers, and Crews, his best thanks for your services, and his hearty congratulations upon the successful issues of the undertaking. He further begs you will thank Lieutenant Chitty and Mr. Holland for the important services they rendered in the "Berenice" and "Comet," and also the Masters commanding the several steamers and transport ships, for their zealous assistance throughout the Expedition.

I have the honour to be, &c.

(Signed) Edward Lugard,
Chief of the Staff.

Head Quarters, Mohumra, 27th March 1857.

(True copy)

(Signed) J. W. Young, Acting Commodore I. N.,
Commanding Persian Gulf Squadron.

(True copies)

H. L. ANDERSON,
Secretary to Government.

Printed for Government, by John Firth, at the Bombay Education Society's Press, Byculla.