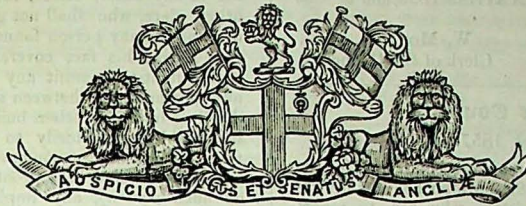


THE



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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.

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:—

I. A Port-due, at a rate not exceeding the rate of

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

II. Provided that no such due shall be chargeable

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

III. The Port-due chargeable in respect of Dhonies and country vessels employ-

Port-due in respect of Dhonies and country vessels. ed 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.

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

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.

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

VII. This Act shall commence and have effect from and after the Commencement of Act. 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.

28th March 1857.

The following Bill was read a second time in the Legislative Council on the 28th March 1857, and was referred to a Select Committee, who are to report thereon after the 1st of June next:—

A Bill to make better provision for the Order and Good Government of the Suburbs of Calcutta and of the Station of Howrah.

Whereas Acts have been passed for regulating the Police and for the Conservancy and improvement of

the Town of Calcutta, and of the other Presidency Towns; and whereas large portions of the Suburbs of the said Town of Calcutta and of the Station of Howrah are not less populous than parts of the said Town, and it will conduce to the order and good government of the said Suburbs and Station that some of the provisions of the said Acts, with certain necessary modifications, should be extended to the said Suburbs and Station; It is enacted as follows:—

I. Whoever is charged with having committed any of the offences mentioned in this Act within the limits of the said Suburbs or Station, as described in the Schedule hereunto annexed, may be tried for any such offence by the Magistrate within whose jurisdiction the offence is alleged to have been committed, and, on conviction, may be sentenced by such Magistrate to the punishment hereinafter prescribed for the offence.

II. *Clause 1.*—Whoever has in his possession, or conveys in any manner, any thing which may be reasonably suspected of being stolen or fraudulently obtained, shall, if he fail to account satisfactorily how he came by the same, be liable to a penalty not exceeding one hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Clause 2.—If any person charged with having or conveying any thing stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant, to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser, or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate), to be brought before him and examined, and shall examine witnesses touching the same; and if it appear to such Magistrate that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty not exceeding one hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

III. Any person found, between sunset and sunrise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another; any reputed thief found, between sunset and

sunrise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found, between sunset and sunrise, having his face covered, or otherwise disguised, with intent to commit any such offence as aforesaid; any person found between sunset and sunrise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking, shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months; and any such person may be taken into custody by any Police Officer without a warrant.

IV. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or the East India Company, or a Police Officer, goes armed with any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place, unless by leave of the Magistrate, shall be liable to be disarmed by any Police Officer; and the weapon so seized shall be forfeited to the Government, unless redeemed by payment of a fine, at the discretion of the Magistrate, not exceeding ten Rupees.

V. If any person, having sufficient means, neglects or refuses to maintain his wife, or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner in which fines may be levied, or may order him to be imprisoned, with or without hard labour, for any term not exceeding one month. Provided always, that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction.

VI. Whoever wilfully harbours or conceals any seaman or apprentice belonging to a merchant vessel, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred Rupees.

VII. On the complaint of three or more householders, that a house in their immediate neighbourhood is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the Magistrate may summon the owner or tenant of the house to answer the complaint, and, on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter that the house shall be so used.

VIII. Except as hereinafter provided, no license shall be granted by the Collector for the sale, by retail, of any spirituous or fermented liquors in any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy Shop, or other place of public resort and entertainment, without the concurrence of the Magistrate. If a difference should arise between

the Collector and the Magistrate respecting the grant of any such license, the case shall be reported to the Commissioner of Revenue and Circuit, and the decision of the Commissioner, subject to the orders and control of the Lieutenant Governor of Bengal, shall be final.

IX. Whenever any person, being the keeper of any such house or place of public resort and entertainment as aforesaid, is convicted of any of the offences specified in Section XLV. Act XXI. of 1856, the Magistrate may, if he think proper, apply to the Collector to revoke the license granted by him to such person; and upon such application the Collector shall forthwith revoke such license.

X. Whoever, being the owner or occupier, or having the use of any house, room, or place, keeps, or uses the same as a common gaming-house; and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be kept or used by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting the business of any house, room, or place so kept or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

XI. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable to a fine not exceeding one hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

XII. If the Magistrate, upon information on oath, and after such inquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming, and to seize all instruments of gaming, and all monies, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody, and to seize and take possession of all instruments of gaming found upon such search.

XIII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein; to be forfeited, or, in his discretion, may order

any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

XIV. The Magistrate may direct any portion, not exceeding one-fourth of any fine which shall be levied under Sections X. and XI. of this Act, or any part of the monies, or proceeds of articles seized, and ordered to be forfeited under Section XIII., to be paid to an informer.

XV. A Police Officer may apprehend without warrant any person found gambling in the streets, with cards, dice, counters, money, or other instruments of gaming, in any public street, place, or thoroughfare; and such person shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labour, for any term not exceeding one month; and such instruments of gaming and money shall be forfeited.

XVI. If any property regarding which written or printed information shall be given by any Police Officer to any pawn-broker, or dealer in second-hand property, or money-changer, as having been stolen, embezzled, or fraudulently obtained, shall then be, or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information at the nearest Police Office, that certain property, answering the description of the said property, was offered to him, or is in his possession, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty not exceeding fifty Rupees for each and every such neglect or offence; provided always that, in the case of wearing apparel or other articles, which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

XVII. If any pawn-broker or dealer in second-hand goods, or worker in gold or silver, after receiving information of the theft, or the embezzling, or the fraudulent disposal of any metals, goods, or articles of whatsoever description, melts, alters, defaces, or puts away the same, or causes the same to be melted, altered, defaced, or put away, without having previously received the permission of the Magistrate, and it shall be found that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of by the person from whom such pawn-broker, dealer, or worker received the same, or by any other person, then, and in such case, it shall be held that such pawn-broker, dealer, or worker knew that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of, and such pawn-broker, dealer, or worker shall be proceeded against according to law, as a receiver of stolen goods, or as being a party to the fraud, and punished accordingly; and no other evidence of his guilt shall be necessary than evidence of such melting, altering, defacing, or putting away, after receiving information as aforesaid.

XVIII. Whoever manufactures gunpowder, or, without a license from the Magistrate, has in his possession, in any house, shop, ware-house, or other building, at any one time, a greater quantity of gunpowder than ten pounds, shall be liable to a fine not exceeding two hundred Rupees, and also to forfeit such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

XIX. The Magistrate may grant to any person a

Licenses by Magistrate for sale and deposit of Gunpowder, &c.

license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds, on such

conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions shall be liable to a fine not exceeding one hundred Rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also to forfeit his license.

XX. Whoever is found drunk and incapable of

Penalty for drunkenness, or riotous or indecent behaviour in public.

taking care of himself, or is guilty of any riotous or indecent behaviour in any street or thoroughfare, or in

any place of public amusement or resort, and whoever is guilty of violent behaviour in any Police Office, shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

XXI. Whoever wilfully and indecently expose his

Penalty for committing a nuisance in streets.

person, or commits a nuisance by easing himself in or by the side of or near to any

public street or thoroughfare, or place, shall be liable to a fine not exceeding ten Rupees, or, in default thereof, to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

XXII. Whoever in any public road, street, tho-

Beggars.

roughfare, or place, begs or applies for alms, or exposes

or exhibits any sores, wounds, bodily ailment, or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for, or obtains alms, by means of any false statement or pretences, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month.

XXIII. Whoever, in any public street, road, tho-

Penalty for the following offences in public streets, &c.

roughfare, or place of public resort, commits any of the following offences, shall

be liable to a fine not exceeding twenty Rupees:—

1. Whoever drives or rides any animal, or drives

Furious or negligent driving or riding.

any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

2. Whoever negligently lets loose any horse, or

Letting loose horses, ferocious dogs, &c.

suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

3. Whoever, being in charge of a cart, carriage, or

Leaving cart, &c. without control.

horse, leaves it at such a distance as not to have the same under due control.

Obstruction to passengers by fastening animals.

4. Whoever fastens any animal so as to cause obstruction or danger to passengers.

Ill-treating animals.

5. Whoever cruelly beats, abuses, or tortures any animal.

6. Whoever sets fire to, or burns, any straw or

Lighting fires, and discharging guns, fireworks, &c.

other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off, or throws any firework, or sends up any fire-balloon.

7. Whoever beats a drum or tom-tom, or blows a

Beating drums, tom-toms, &c.

horn or trumpet, or beats or sounds any metal instrument or utensil, between the hours of ten at night and four in the morning, so as to disturb the repose of the inhabitants, except when permitted by the Magistrate on occasions of festivals and ceremonies.

XXIV. Whoever deposits, or permits his servants

Depositing dirt on street, &c.

to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal mat-

ter, or any broken glass or earthenware, or other rubbish, in any street, or on any public quay, jetty, ghaut, or landing-place, except in such places and in such manner, and at such hours, as shall be fixed by the Magistrate, or throws or puts, or permits his servants to throw or put, any such substances into any public sewer or drain, or into any drain communicating therewith, shall be liable to a fine not exceeding ten Rupees.

XXV. Whoever causes or allows the water of any

Allowing sewerage to flow on streets.

sink or sewer, or any other offensive liquid matter, belonging to him or being on

his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street, shall be liable to a fine not exceeding ten Rupees.

XXVI. Whoever builds any wall, or erects or sets

Future obstructions in streets or roads.

up any fence, rail, post, or other obstruction or en-

croachment, in any public street or road, or in or over any open drain, sewer, or aqueduct along the side of any such street or road, after the passing of this Act, shall be liable to a fine not exceeding one hundred Rupees; and the Magis-

Power to remove.

trate shall have power to

remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

XXVII. Whoever displaces, take up, or makes

Taking up pavements.

any alteration in the pave-

ment, or other materials, or in the fences or posts of any public street, without the consent in writing of the Magistrate, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

XXVIII. The Magistrate may give notice in writ-

Future projections from houses to be removed.

ing to the owner or occupier of any house or building to

remove or alter any projection, encroachment, or obstruction which, after the passing of this Act, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects, or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Magistrate; and, in default thereof, shall be liable to a fine not exceeding two hundred Rupees; and the Magistrate in such case may remove such projection, encroachment, or obstruction, and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

XXIX. The Magistrate may cause any such pro-

Removal of existing projections from houses.

jection, encroachment, or obstruction, erected or placed

against or in front of any house or building, in any public street before the passing of this Act, to be removed or altered, as he shall think fit; provided that he give notice of such intended

Notice of removal.

removal or alteration to the

occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal

is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, he shall make reasonable compensation to every person who suffers damage by such removal or alteration.

XXX. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or altered, the Magistrate may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings. Provided always, that the Magistrate shall make full compensation to the owner of any such house or building for any damage he may thereby sustain; if any dispute shall arise touching the amount of compensation to be allowed under this or the preceding Section, the same shall be settled in the manner provided by the laws in force for the settlement of disputes respecting compensation for lands taken for public purposes.

XXXI. The Magistrate may give notice to the owner or occupier of any land, to cut and trim any hedges and trees overhanging any public road or street so as to obstruct the passage or to cause damage thereto; and in the event of such notice not being complied with within eight days from the date thereof, the Magistrate may cause the said hedges and trees to be cut and trimmed in the manner required; and the expense incurred by the Magistrate in respect thereof shall be paid by the owners, and shall be recoverable as hereinafter provided.

XXXII. If in any street, any house, building, or wall, or anything affixed thereon, be deemed by the Magistrate to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he may cause notice in writing to be given to the owner, if he be known and resident within the limits of his jurisdiction, and may also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Magistrate may cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

XXXIII. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Magistrate may sell the materials thereof, or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall on demand. The Magistrate, although he sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to him for compelling the payment of the whole of the said expenses.

XXXIV. Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or

otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, and to cleanse and purify the same, shall be liable to a fine not exceeding fifty Rupees.

XXXV. Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenanted or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with rank and noxious vegetation, shall be liable to a fine not exceeding fifty Rupees, and to a fine not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

XXXVI. Whoever, being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any street, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees.

XXXVII. The Magistrate may license such necessities for public accommodation as he, from time to time, may think proper; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty Rupees; and the license may be cancelled.

XXXVIII. Whoever, being the owner of any private drain, privy, or cesspool, neglects or refuses, after warning from the Magistrate, to keep the same in a proper state, shall be liable to a fine not exceeding fifty Rupees.

XXXIX. Whoever bathes in any public tank, the water of which shall have been declared by the Magistrate to be appropriated to the domestic use of the inhabitants; or washes, or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noxious or offensive matter or thing; or causes or suffers to run, drain, or be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building, or from any ground occupied by him; or does anything whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable to a fine not exceeding fifty Rupees.

XL. When any tank or other excavation containing waste or stagnant water, the same being within any private enclosure, appears to the Magistrate to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Magistrate to require, by notice in writing, the owner of the premises to cleanse or fill up such tank or excavation, and if he do not begin to cleanse or fill up the same within one week after such notice, and do not complete such work with due diligence, the Magistrate, his officers, and work-

Power to fill up unwholesome tanks on private premises.

Penalty on occupier of a house not removing filth.

men, may enter into the said premises, and do all necessary acts for the purpose aforesaid as he shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

XLII. The Magistrate may, from time to time as he shall see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to him to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise.

XLIII. No person intending to build, or take down, alter, or repair any building, shall deposit any building materials, or make a hole in any street, without the permission of the Magistrate; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Magistrate.

XLIV. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Magistrate shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure, shall be paid by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

XLV. No place, which is not used as a slaughter-house at the time of the passing of this Act, shall be so used without a license in writing from the Magistrate; and whoever uses as a slaughter-house any place not so used at the time of the passing of this Act, without such license, shall be liable to a fine not exceeding one hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

XLVI. Every owner or occupier of any slaughter-house, or of any market or shop for the sale of butcher's meat, fish, or vegetables, shall keep the same in a cleanly and proper state, and shall admit at all reasonable hours any person authorised by the Magistrate to enter and inspect the same; and the owner or occupier of any such slaughter-house, market, or shop, which shall not be kept in a cleanly and proper state, shall be liable for every default to a fine not exceeding twenty Rupees.

XLVII. Within the limits which shall be prescribed for the purposes of this Section by the Lieutenant Governor of Bengal, no place shall be newly used, except under license from the Magistrate, for any of the following purposes, namely for melting tallow—or for boiling offal or blood—or as a soap house—oil boiling house—dyeing house—tannery—brick, pottery, or lime kiln—sago manufactory—or other manufactory or place or business from which offensive or unwholesome smells arise

—or as a yard or depôt for hay, straw, wood, or coal; and whoever, without a license, uses any such place for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

XLVIII. No burial or burning-ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Magistrate; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning-ground, made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

XLIX. If, upon the evidence of competent persons, it shall appear to the Magistrate that any burial or burning-ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a convenient place for interment or burning, as the case may be, exists within a convenient distance, and is available, the Magistrate, with the sanction of the Lieutenant Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning-ground; and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

XLX. It shall be lawful for the Magistrate, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets, or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

L. Any Police Officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to him.

LI. Any Police Officer may take into custody, without a warrant, any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

LII. Every person taken into custody without a warrant by a Police Officer under this Act shall be taken to the nearest Police Office, in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognisances, with or without sureties, for his appearance before the Magistrate. Any person so detained, and not entering into recognisances, shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

LIII. Upon any information or complaint laid before the Magistrate of any offence committed against this Act, the Magistrate may summon the person charged to appear at a time to be

Procedure on information or complaint laid before the Magistrate of an offence against this Act.

Persons taken into custody by a Police Officer without warrant may be detained in Police Office until brought before a Magistrate or bailed.

into recognisances, with or without sureties, for his appearance before the Magistrate. Any person so detained, and not entering into recognisances, shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

Upon any information or complaint laid before the Magistrate of any offence committed against this Act, the Magistrate may summon the person charged to appear at a time to be

mentioned in the summons, or, if he see sufficient cause for so doing, may issue a warrant for his apprehension. The provisions of the general Regulations of the Bengal Code and Acts of the Government of India for the time being in force relative to the issue and service of summonses, and warrants, to the summons, attendance, and examination of witnesses, and generally to the trial of cases, to the recovery of fines and penalties, and to appeals against orders and sentences passed by a Magistrate, shall be applicable to all cases under this Act. Provided that, in all cases of offences punishable with fine only, if after due service of summons the person charged shall not appear in pursuance thereof, the Magistrate, at his discretion, may hear and determine the case in his absence. Provided also, that no appeal shall lie from any order of a Magistrate passed with the sanction of the Lieutenant Governor of Bengal, under Section XLVIII. of this Act.

LIV. In all cases where any costs or expenses are by this Act directed to be paid, the amount of the same shall be ascertained and determined by the Magistrate, and the Magistrate may, for that purpose, summon the parties and examine them and the witnesses on their behalf; and such amount, together with the costs of the inquiry, shall be recoverable in the same manner as fines may be recovered.

LV. Any Joint Magistrate or Deputy Magistrate duly authorised to exercise the powers of a Magistrate, and any Assistant vested with special powers, may, in cases referred to him by the Magistrate, exercise all the powers vested in a Magistrate by this Act.

LVI. All fines imposed and levied under this Act shall be applied in aid of any fund applicable to Police and Conservancy purposes in the said Suburbs or Station, and all costs and expenses which the Magistrate is hereby authorised to incur shall be paid from and repaid to such fund; or, if there be no such fund, all such fines as aforesaid shall be applied by the Magistrate to the cleansing or otherwise improving of the said Suburbs or Station.

LVII. With respect to all matters expressly provided for by this Act, and within the limits subject to the same, the provisions of this Act shall be held to supersede the provisions of Act XXI. of 1841.

LVIII. In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include females.

SCHEDULE

Of Places included in the Suburbs of Calcutta and Station of Howrah.

SUBURBS OF CALCUTTA.

The Villages composing the Government Estate of Panchanogram, and all lands belonging to any other Estate which are situate within the general limits of the said Government Estate.

Garden Reach or Mocheekhola.
Ramnuggur.
Singeratee.
Indree.
Sonaie.
Borberiah.
Rajahrampoor.
Bhookylas.
Dukhin Sherepoor.

Kidderpoor.
Bykantpoor.
Adee Gunga Chur.
Ramchunderpoor.
Ekbalpoor.
Mominpoor.
Balrampoor.
Alleepoor.
Jeeraut.
Radhanuggur.
Gopalnuggur.
Doorgapoor.
Chetlah.
Jarool.
Dowlutpoor.
Sonadanga.
Manjrat.
Moyapoor.
Sharhurpoor.

STATION OF HOWRAH.

Howrah, including—

Punchanuntolla.
Jolapara.
Chandmarry (with Tandal Bagan).
North Bettra.
South Bettra.
Ichapoor.
Saunpoor.
Gholadanga.
Ramkistopoor.
Khoorut (with Kasondia).
Chuckerbair.
Santragatchee.
Sathghurra.
Godar Hât (with Kinkur Chatterjea's Hât).
Battore.

Seebpoor (with Baje Seebpoor, Majairhat, Bhurpara, Battatolla, Sreehurrynowpara, Bishop's College, and Company's Botanical Garden).

Puddopookhur.
South Baxara.
North Baxara.

Sulkeah, including—

Bandaghat (with Hurrogunge and Banerjeapara).
Ghoosery (with Bhat Bagan).
Malipanchghura.
Barrackpoor.
Belloore.
Nukhsah.
Chuckpara.
Nellooh.
Belgatchia (with Paikan Belgatchia).
Bamungutchee.
Chowrasta (with Dhurmtoolla, Goghatta, and Baboodanga).
Golabarry (with Pheelkhana).

W. MORGAN,
Clerk of the Council.

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 $20^{\circ} 19\frac{1}{2}'$ north, and longitude $86^{\circ} 47'$ east; and a buoy is placed in $21\frac{1}{2}$ fathoms on the Pilot's Ridge,

in latitude $20^{\circ} 49'$ north, and longitude $87^{\circ} 42'$ east: the buoy therefore bears from False Point Light House north $59^{\circ} 49'$ east, true, and distant $59\frac{1}{2}$ 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 cruising 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 $21^{\circ} 4'$ north, and longitude $88\frac{1}{2}^{\circ} 14'$ east, and therefore bears from the buoy on the Pilot's Ridge north $63^{\circ} 26'$ east, true; and distant $32\frac{1}{2}$ 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 cruise 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.

OPIUM MEMORANDUM for the Week ending Tuesday, 14th April 1857.

YEARS.	PASSES GRANTED AT INDORE	IMPORTED INTO BOMBAY				EXPORTED BY SEA				Detail of Exports from 8th to 14th April 1857.	Chests.
		Total.	From 8th to 14th April 1857.	Up to 7th April 1857.	Lost on the road.	Total.	From 8th to 14th April 1857.	Up to 7th April 1857.	Balance.		
For 1854-55	 Chests.	27,688	..	27,688	24	27,688	..	27,669	152	For the Season 1855-56.	22
" 1855-56	 "	29,307	..	29,307	34	29,307	..	29,280	113	For the Season 1856-57.	4
" 1856-57	 "	15,440	524	14,916	1	14,945	..	11,209	2,403	Per Steamer "Luxume",	4
										" Steamer "Norna"	830
											811
											Total.....833

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

Bombay, Custom House, 15th April 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 TANNA 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.	
			<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	
SUNJAN	Salsoobhey	Repairs to a Well	90 0 0	57 4 0	147 4 0	Inhabitants of the Village of Salsoobhey.
	Pulgaon	Cleaning and Repairing a Tank	180 0 0	180 0 0	360 0 0	Ditto ditto of Pulgaon.
	Dabéré	Construction of a School House	4,060 0 0	.....	4,060 0 0	} Framjee Heerjee, Parsee, of Bombay.
		Ditto Dhurumsala for the use of Parsees.	810 0 0	.....	810 0 0	
	Oomergaon	Sinking a Well for ditto	125 0 0	.....	125 0 0	} Muckun Ragho, Kaebeer of Oomergaon.
		Construction of a Bundara for watering Cattle.	60 0 0	.....	60 0 0	
MAHIM	Seergaon	Building a Parapet to a Well in the Fish Market.	20 2 0	20 1 5	40 3 5	Inhabitants of Seergaon; contribution in labour.
KOLWUN	Moujé Wapé, close to Gunga	Construction of a tiled Dhurumsala	1,300 0 0	.....	1,300 0 0	Jugonath Sunkersett, Esq., of Bombay.
	Cusba Shapoor	Construction of a Well with stones and chunam.	85 14 2	100 0 0	185 14 2	Row Bahadoor Wamunjee Pandoorung contributed. Rs. 25 0 0 Inhabitants of Shapoor „ 60 14 2
						Rs. 85 14 2
MOORBAR	Saindroon	Repairs to a Well on the main road	50 0 0	99 0 0	149 0 0	Inhabitants of the Village of Saindroon.
BHEWNDY	Anvailee	Cleaning a Tank	200 0 0	200 0 0	400 0 0	} Inhabitants of the Villages; contribution in labour.
	Koné	Construction of a Well	97 8 0	97 8 0	195 0 0	
	Dabhad	Ditto of a Parapet to a Well	30 0 0	68 4 4	98 4 4	
SALSETTE	Pada Moolkhund	Construction of a Well	400 4 0	400 0 0	800 4 0	Inhabitants of the Village.
Carried over Rs.			7,508 12 2	1,222 1 9	8,730 13 11	

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.	7,508 12 2	1,222 1 9	8,730 13 11	
PANWELL	Bhingar	Construction of a Parapet to a Well....	31 0 0	31 0 0	62 0 0	Inhabitants of the Villages; contribution in labour.
	Dighode	Cleaning a Tank	100 0 0	100 0 0	200 0 0	
	Sangoorlee	Ditto ditto	150 0 0	125 0 0	275 0 0	
	Khanoolé	Ditto a Well	83 0 0	83 0 0	166 0 0	
	Esree	Ditto a Tank	144 0 0	144 0 0	288 0 0	
	Anjivlee	Building a Parapet to a Well	8 0 0	2 0 0	10 0 0	
	Kulloorlee	Cleaning and deepening a Well	100 0 0	38 0 0	138 0 0	
NUSRAPOOR	Waverlee	Cleaning a Tank	50 0 0	197 8 0	247 8 0	Ditto ditto.
	Halkboord	Construction of a Well, with its Parapet wall.	156 4 0	155 4 0	311 8 0	
	Cusba Khalapoor	Clearing a Tank	46 0 0	50 0 0	96 0 0	
RAJPOOREE	Maidey	Repairs to a Well	56 4 7	64 14 9	121 3 4	Ditto ditto.
REWADUNDA	Peit Rewadunda	Construction of a Parapet to a Well....	23 12 0	74 4 0	98 0 0	Ditto ditto. Dhoonderaj Venaik Beewulker.
	Vaisvee	Ditto of a Well with chunam and stones.	675 0 0	.....	675 0 0	
		Total. . . . Rupees	9,132 0 9	2,287 0 6	11,419 1 3	

By order of the Right Honorable the Governor in Council,

W. HART,
Secretary to Government.

Bombay Castle, 11th April 1857.

पब्लिक वर्क्स डिपार्टमेंट.

लोकांनी सगळा किंवा कांहीं खर्च दिल्यावरून सन १८५६ इसवी सालांत ठाणे जिल्ह्यांत लोकोपयोगी नवीन किंवा मरामतीचीं कामें जाहलीं त्याचा खर्च लोकांनी दिलेला तख्ता बंदीगान आलीनवाव मुस्तताव हजरत रेट आनराबल गवरनर साहेब बाहादुर दर इजलास कौन्सिल हे प्रसिद्ध करात आहेत ज्या कामाचा सर्व खर्च लोकांनी दिल्या नहीन त्या कामाबाबद लोकांनी किती पैका दिल्या तेही या तख्यांत दर्शविला आहे.

तालुकाचें नांव.	ज्या ठिकाणीं कामें झालीं त्या ठिकाणाचें नांव.	कामाचा प्रकार.	दर एक कामाचा खर्च त्यांतून सरकारांनीं किती दिल्या व लोकांनीं किती दिल्या.			दर एक कामाचा खर्च सगळा किंवा कांहीं लोकांनीं केला त्यांची नांवें.
			लोकांनी ऐवज दिल्या ना.	सरकारांनी ऐवज दिल्या ना.	एकंदर खर्च.	
			र. आ. पै.	र. आ. पै.	र. आ. पै.	
संजाण	सालसुभे	विहीरीची मरामत केली	९० ० ०	५७ ४ ०	१४७ ४ ०	सालसुभे गांवचे लोकांनी.
	पलगांव	तळें साफ केलें व त्याची मरामत केली	१८० ० ०	१८० ० ०	३६० ० ०	पलगांवचे लोकांनी.
	दाभेरें	शाळा बांधिली	४०६० ० ०	.....	४०६० ० ०	मुंबईचे राहणार फामजी हिरजी पारशी.
		पारशी लोकाकरितां धर्मशाळा बांधिली	८१० ० ०	.....	८१० ० ०	
		धर्मशाळे करितां विहीर खणिली	१२५ ० ०	.....	१२५ ० ०	
	उंबरगांव	जनावरांस पाणी पिण्याकरितां बांधारा बांधिला	६० ० ०	.....	६० ० ०	उंबरगांव येथील मकंद राघु काहीर.
माहीम	सीरगांव	मछली बाजारचे विहीरीस मुंडेरी बांधिली	२० २ ०	२० १ ५	४० ३ ५	सीरगांवचे लोकांनी सदहू रकमेची मजुरी केली.
कोलवण	मौजे बापि गंगेजवळ	कौलारू धर्मशाळा बांधिली	१३०० ० ०	.....	१३०० ० ०	मुंबईचे राहणार जगनाथ शंकरशेट इस्कोयर- राव बाहादुर वामनराव पांडुरंग याणी दिल्ले रुपये. २५ ० ० शाहापुरचे लोकांनी. " ६० १४ २ ८५ १४ २
	कसबा शाहापूर	दगडी व चुन्याची विहीर बांधिली	८५ १४ २	१०० ० ०	१८५ १४ २	
मुरबाड भिवडी	सेंट्रण	मोठे रस्त्यावरील विहीरीची मरामत केली	५० ० ०	९९ ० ०	१४९ ० ०	सेंट्रणगांवचे लोकांनी.
	अनवेली	तळें साफ केलें	२०० ० ०	२०० ० ०	४०० ० ०	गांवचे लोकांनी सदहू रकमेची मजुरी केली.
	कोने	विहीर बांधिली	९७ ८ ०	९७ ८ ०	१९५ ० ०	
	दामाड	विहीरीस मुंडेरी बांधिली	३० ० ०	६८ ४ ४	९८ ४ ४	
वेरीज			७१०८ ८ २	८२२ १ ९	७९३० ९ ११	

तालकाचें नांव.	आ ठिकाणीं कामें झालीं त्या ठिकाणाचें नांव.	कामाचा प्रकार.	दर एक कामाचा खर्च त्यांतून सरकारांनीं कितो दिव्हा व लोकानीं कितो दिव्हा.			दर एक कामाचा खर्च सगळा किंवा कांहीं लोकानीं केला त्यांचीं नांव.
			लोकानीं ऐवज दिव्हा तो.	सरकारांनीं ऐवज दिव्हा तो.	एकंदर खर्च.	
			र. आ. पै.	र. आ. पै.	र. आ. पै.	
		मागील बेरीज . . .	७१०८ ८ २	८२२ १ ९	७९३० ९ ११	
साष्टी	पाडामुळखंद	विहीर बांधिली	४०० ४ ०	४०० ० ०	८०० ४ ०	गांवचे लोकानीं.
पनवेल	भिंगार	विहिरीस मुंडेरी बांधिली	३१ ० ०	३१ ० ०	६२ ० ०	
	दिघोडें	तळें साफ केलें	१०० ० ०	१०० ० ०	२०० ० ०	
	सागुरली	किता	१५० ० ०	१२५ ० ०	२७५ ० ०	गांवचे लोकानीं सदरहू रकमेची मजुरी केली.
	खानुलें	विहीर साफ केली	८३ ० ०	८३ ० ०	१६६ ० ०	
	येसवी	तळें साफ केलें	१४४ ० ०	१४४ ० ०	२८८ ० ०	
	अंजनवली	विहिरीस मुंडेरी बांधिली	८ ० ०	२ ० ०	१० ० ०	किता.
	कलोली	विहीर साफ करून जाजती खणली	१०० ० ०	३८ ० ०	१३८ ० ०	
नसरापूर	वावरली	तळें साफ केलें	५० ० ०	१९७ ८ ०	२४७ ८ ०	
	हलकवुर्द	मुंडेरीसुद्धा विहीर बांधिली	१५६ ४ ०	१५५ ४ ०	३११ ८ ०	किता.
	कसवा खालापूर	तळें साफ केलें	४६ ० ०	५० ० ०	९६ ० ०	
	मेढें	विहिरीची मरामत केली	५६ ४ ७	६४ १४ ९	१२१ ३ ४	
राजपुरी	पेठ रेवदंडा	विहिरीस मुंडेरी बांधिली	२३ १२ ०	७४ ४ ०	९८ ० ०	किता.
रेवदंडा	वेसवी	दगडा व चुग्याची विहीर बांधिली	६७५ ० ०	.....	६७५ ० ०	धुंडीराज विनायक विवलकर.
		एकंदर बेरीज	९१३२ ० ९	२२८७ ० ६	११४१९ १ ३	

बामोजीबे हुकुम बांदिगान आली नवाब मुस्तताब हजरत रैट आनराबल
गवरनर साहेब वहादुर दर इजलास कौंसल.

उलीयम हार्ट,

सेक्रेटरी निसवत सरकार.

VENAYEK WASSOODew, Oriental Translator to Government.

तारिख ११ वी माहे एप्रिल सन १८५७ इसवी मुकाम जंजिरे मुंबई.

VENAYEK WASSODEW,
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,

I 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.

એહું ને મુંબઈની ટંકશાલમાં રોનું તથા ચાંદી લેવા વિરોની કાંનુન મિંટ કમિટિના હુકમ ઉપરથી પ્રસિદ્ધ કરી છે તે.

૧. આદિતવાર તથા છુટીના દાહાડા સિવાય દરરોજ રાત્રનાં દશ વાગ્યાથી તે બપોર પછી ત્રણ વાગતાં સુધી રોનું તથા ચાંદી વેપારી પાસેથી અથવા બીજા લોકો પાસેથી મુંબઈની ટંકશાલમાં લેરો. પણ રોનું પચાસ તોલા કરતાં ઓછું ન જોઈએ તથા ચાંદી હજાર તોલા કરતાં ઓછી ન જોઈએ તથા સદહૂ રોનું તથા ચાંદી રાક્ષો પાડવા લાયક નરમ જોઈએ.

૨. રોનું અથવા ચાંદી અથવા નાણું ટંકશાલમાં આપવું તે માલકે હેકા લખેલા મુશાદ પ્રમાણે અરજ લખીને

આપવું. અરજની છપેલી નકલો ટંકરાલમાં માંગવાથી મલરો.

મુંબઈના મિંટ માસ્તર જોગ.

નીચે લખેલું રોજી (અથવા ચાંદી) ટંકરાલના દર પ્રમાણે શિકો પાડવાસારે હાજર કરે છે તે રોજી (અથવા ચાંદી) ટંકરાલમાં લઈને નોંધીને તેની વાજબી કિંમત ઇશથી દાખલ કરાથી વીસ દિવસની મુદતમાં તોળેરીમાંથી અવેજ મળે એહેલી બુલિઅન રારિફિકેટ આપે મેહેરમાની કરીને આપવી.

પેટીઓ ઉપરની નિશાણી.	ચાંદી ઉપરની નિશાણી.	પેટીની સંખ્યા.	સોનું તથા ચાંદીનો પ્રકાર.	મુમરે વજન તોળા.	શાય વજન પ્રમાણે નકી વજન રતલવિગેરે.

સહી.

મુકાંમ મુંબઈ તારીખ માહે સન

૩. જે રોજી તથા ચાંદી તથા નાણું શિકો પાડવા સારે ટંકરાલમાં આપરો તે લીધાની અગાઉ અથવા તેની ચારાણી કાઢાણની અગાઉ તે ટંકરાલમાં પ્રથમ ગાલવાના ખાતામાં ગાલીને તેની લગડીઓ કરવી જોઈએ.

૪. રોજી અથવા ચાંદી ટંકરાલમાં એક વખત આપી ચુકી એટલે તે એક માલકના નામ ઉપરથી બિજનનાં નામ ઉપર ચલણી દેરો નહીં. રોજી અથવા ચાંદી નોંધ્યાની અગાઉ ટંકરાલમાંથી કાઢાડી લઈ જવી હોય તો કાઢાડી લઈ જવાની ચિઠી બદલ રૂ. ૨ શી આપ્યા વગર કાઢાડી લઈ જવા દેરો નહીં જે રોજી અથવા ચાંદી ગાલી હરો તેનો કચરો અથવા ગાલ માત્ર લેવા દેરો.

૫. રોજી અથવા ચાંદી અથવા નાણું પ્રથમ ગાલા પછી રોજી તથા ચાંદી લેવાની કોટડીમાં ટંકરાલના કાંઠા ઉપર તે રોપી દેરો તાંદાં મુઠી તે માલકને તામે છે તથા તેનું જોખમ તેને માથે છે એહેલું સમજવું જોઈએ. પણ રોજી તથા ચાંદી બંદોબસ્તથી રાખવાની કોટડીમાં તે રાખવા વિરો તેને સર્વે પ્રકારે બંદોબસ્ત કરી આપરો.

૬. ચારાણીનો રપોટ આપ્યા પછી મિંટ ડુટીનો તથા રોધવાનો તથા પ્રથમ ગાલવાના અર્થની ઇરાવેલી રકમ બાદ કરીને રોજીનાં અથવા ચાંદીના અથવા નાણાંના વજન પ્રમાણે તથા ચારાણીની કિંમત પ્રમાણે નકી ઉત્પન થારો તેનો હિસાબ આસિસ્ટેટ બુલિઅન કીપરની સહીનો માલકને તપાસવા સારે તથા સહી કરવા સારે આપવો. તે ઉપર માલકની સહી થઈ એટલે મિંટ માસ્તરની કચેરીમાં તદ્દઆર કરેલા જનરાલ તોળેરી ઉપરની બુલિઅન રારિફિકેટ માલકને આપવી તે એહેલી કે નોંધ્યાની તારીખથી એટલે રોજી અથવા ચાંદી અથવા નાણું ટંકરાલમાં નકી ઇશવીને લીધાની તારીખથી વિરા દિવસની મુદતની તે રારિફિકેટની રકમ તે જેની પારો હરો તેહેને મજરો એહેલી મજકુરની રારિફિકેટ આપવી.

૭. રોજી અથવા ચાંદી અથવા નાણાંનો શિકો પાડવા બદલ તેની વાસ્તવીક ઇરેલી કિમત ઉપર દર રોકડે એક ટકો પ્રમાણે લેરો.—શિકા રૂપેઆનો ચાંદીનો ફરીથી શિકા પાડવા બદલ તેની વાજબી કિમત ઉપર દર રોકડા એક ટકા પ્રમાણે લેરો.—મદ્રાસી તથા ફરકાવાદી તથા કંપનીના

ઓછા વજનના રૂપેઆનો ફરીથી શિકો પાડવાને કાંઈ ખેરારો નહીં.

સદ્દે શિવાય બિજન રૂપેઆનો નાણાંના તથા ચાંદીના શિકા પાડવા બદલ વાજબી ઇરેલી કિમત ઉપર દર રોકડે બે ટકા લેરો.

૮. બ્રિટિશ ઇંડિઆના ઇરાવેલા ટચ કરતાં ચારાણીમાં છ પેનીવેટ કરતાં ઓછી નરસ ચાંદી રોધવાનો અર્થ પડરો તે એક પેનીવેટ નરસ ચાંદી બદલ રોકડે ૦. ૦ ૪ ચાર રાતાંઉરા એ દર પ્રમાણે પડરો. રોજી રોધવાનો અર્થ પડરો તે બ્રિટિશ ઇંડિઆના ઇરાવેલા ટચ કરતાં દર એક પાંચ કચરેટ ગ્રેન, નરસ બદલ રોકડે અર્ધો ટકો પડરો.

૯. પ્રથમ ગાલવા બદલ અર્થ પડરો તે આ પ્રમાણે ઇરાવેલા ટચના એક હજાર તોળા રોજીના કંપની રૂ. ૩ ૧૨ ૦ પડરો અને ઇરાવેલા ટચના એક હજાર તોળા ચાંદીનો કંપની રૂ. ૧૫૦ પડરો.

૧૦. રોજી અથવા ચાંદી અથવા નાણું ટંકરાલમાં દેનારાં માણસોની પાછું કાઢાડી લઈ જવાની મરજી હરો તો આરોનો રપોટ દાખલ થયાથી ઇઆ નોંધ દાખલ થયાથી એક દિવસની અંદર કાઢાડી લઈ જવાને મુખતીઆર છે ત્યાર પછી તેને પાછું મલનાર નહીં અને સદ્દે દિવસની અંદર કાઢાડીને લઈ જરો ત્યારે પ્રથમ ગાલવાનો અર્થ ઉપર લખ્યો છે તે શિવાય વગી રોજીનાની દરએક ચારાણી બદલ ચાર રૂપેઆ અને ચાંદીની ચારાણી બદલ બે રૂપેઆ શી દેવી પડરો.

૧૧. રોજી અથવા ચાંદી પ્રથમ ગાલા પછી તે કંઈક છે તથા તે શિકો પાડવા લાએક નથી એહેલું નજરમાં આવરો તો તે માલકને પાછું આપવું અને મિંટ માસ્તરની તથા આસિસ્ટેટ બુલિઅન કીપરની રાહીની લખેલી પરવાનગી ચિઠી ઉપરથી તે ટંકરાલમાંથી બાહર જવા દેવી અને રોજી અથવા ચાંદી રાદ્દે પ્રમાણે રદ કરેલું હરો તેના અરસા વજન ઉપર ઇરાવેલા દર પ્રમાણે પ્રથમ ગાલવાનો અર્થ થારો તે માલકે આપવો જોઈએ.

સહી.

જેમરા હેનરી બર્ક કપતાન,
મિંટ માસ્તર.

તારીખ ૨૩મી માહે ડિસેમ્બર રાંને ૧૮૫૧ ઇસવી

મુકાંમ મુંબઈ ટંકરાલ.

જાહિરનામા.

મુંબઈ ઇશીલ ટાંકસાલેંત સોને વ ચાંદી ઘેણાવિષયી કાનુ મિંટ કમિટીએ હુકુમાવરૂન પ્રસિદ્ધ કેળ્યા અહિત ત્યા.

૧. આદિતવાર વ મુટીએ દિવસ ચેરીજ કરૂન દરરોજ સકાલએ દાદા વાજત્યા પાસૂં દોન પ્રહરએ તોન વાજત તોં પર્યંત સોને વ ચાંદી વ્યાપાત્યા કહૂંન કિંવા હતર મનુષ્યા કહૂંન મુંબઈએ ટાંકસાલેંત ઘેતીલ પરંતુ સોને પંનાસ તોલ્યાંહૂંન કમી અસૂં નયે વ ચાંદી હજાર તોલ્યાંહૂંન કમી અસૂં નયે આળિ સદહૂં સોને કિંવા ચાંદી શિકા પાડળ્યા યોગ્ય નરમ અસાવી.

૨. સોને કિંવા ચાંદી કિંવા નાળે ટાંકસાલેંત દેળે તેં માલકાને ખાલોં લિહિલેલે મસુયા પ્રમાળે અર્જ લિહૂંન ચાવેં. અર્જાંચ્યા છાપીલ નકલા ટાંકસાલેંત માગિતલ્યા અસતાં મિલતીલ.

મુંબઈ ઘેથીજ મિંટ માસ્ટર ચાચેવ ચાંસ.

ખાલોં લિહિલેલેં સોને (કિંવા ચાંદી) ટાંકસાલેંતોલ દયા-પ્રમાળે શિકા પાડળ્યા કરિતાં હજર કરિતાં તેં સોને (કિંવા ચાંદી) ટાંકસાલેંત ઘેઝન નોંદૂન ત્યાંચી વૈસિ-વિક કિમત ઠરત્યા વર લાગૂં કેળ્યા પાસૂં વીસ દિવસાંચે.

मुदतीने तिजोरींतून एवज मिळे असें बुलियन सर्टिफिकेट आपण मेहरवानगी करून द्यावें.

पेटोबरोल निशाण्या.	चांदी बरोल निशाण्या.	पेण्यांची संख्या.	सोने किंवा चांदीचा प्रकार.	अज. मास वजन तोंड.	द्वाय वजना प्रमाणे नकी 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 काढण्यापूर्वी तें टांकसाळेंतील प्रथम गाळणारे खात्यांत गाळून त्याच्या लगड्या केल्या पाहिजेत.

४. सोने किंवा चांदी टांकसाळेंत एकदा देऊन ठेविली म्हणजे ती एका मालकाचे नावावरून दुसऱ्याचे नावावर चढवूं देणार नाही सोने किंवा चांदी नोंदल्यापूर्वी टांकसाळेंतून काढून नेणे झाल्यास काढून नेण्याचे चिठी बदल दोन रुपये फी दिल्या वाचून काढून नेऊं देणार नाहीत जें सोने किंवा चांदी गाळिली असेल तिचा कचरा व गाळ मात्र नेवूं देतील.

५. सोने किंवा चांदी किंवा नाणे प्रथम गाळल्यानंतर सोने व चांदी घेण्याचे खोलीतील टांकसाळीचे काढ्यावर तें सोंपवून देत तोंपर्यंत तें मालकाचे ताब्यांत आहे व त्याचें जोखीम त्याचे धारावर आहे असें समजलें पाहिजे परंतु सोने व चांदी बंदोबस्ताने ठेवण्याचे खोल्यांत तें ठेवण्याविषयी त्यास सर्व प्रकारें सोई करून देतील.

६. चासणीचा रपोट आल्यावर मिंट ड्यूटीची व शोधण्याचे व प्रथम गाळण्याचे खर्चाची ठरविलेली रकम वजा करून सोन्याचे किंवा चांदीचे किंवा नाण्याचे वजना अनवयें व चासणीचे किंमती अनवयें नकी उत्पन्न होईल त्याचा हिशोब असिस्टंट बुलियन क्रीपरचे सहीचा मालकास तपासण्याकरितां व सही करण्याकरितां द्यावा त्यावर मालकाची सही झाली म्हणजे मिंट मास्तरचे कचेरीत तयार केलेलें जनरल तिजोरीवरचें बुलियन सर्टिफिकेट मालकास द्यावें तें असें की नोंदीचे तारिखेपासून म्हणजे सोने किंवा चांदी किंवा नाणे टांकसाळेंत नकी 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 घ्याचे वास्तवीक ठरलेले किमतीवर दर शेकडा एक टका प्रमाणे घेतलं—शिक्का रुप्याचे चांदीच पुन्हा शिक्का पाडण्या बदल घ्याचे वास्तवीक किमतीवर दर शेकडा एक टका प्रमाणे घेतलं—मद्रासी व फरकाबादी व कंपनी कमी वजनाचे रुप्याचा पुन्हा शिक्का पाडल्यास काहीं पडणार नाही. सदरू खेरीज इतर रुप्याचे नाण्याचा व चांदीचा शिक्का पाडण्याबद्दल वास्तवीक ठरलेले किमतीवर दर शेकडा दोन रुके घेतलं.

८. ब्रिटिश इंडियाचे ठरविलेले टचाहून चासणीत साहा पेनीवेटा पेक्षां कमी नरस असणारी चांदी शोधण्याचा खर्च पडेल तो एक पेनीवेट नरस चांदी बदल शेकडा .०० ४ च्या 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 तोंडे सोन्यास कंपनी तीन रुपये बारा आणि पडतील आणि ठरलेले टचाचे एक हजार तोंडे चांदीस कंपनी एक रुपया पडेल.

१०. सोने किंवा चांदी किंवा नाणे टांकसाळेंत देणारीं मनुष्यें तें परत काढून नेण्यास इच्छीत असतील तर आसेचा रपोट दाखल झाल्यावर किंवा नोंद दाखल झाल्यावर एक दिवसाचे आत काढून नेण्यास मुखत्यार आहेत मग त्यास परत मिळनार नाही आणि सदरू दिवसाचे आत काढून नेतील तेन्हां 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 गाळल्यानंतर ती कडक आहे व शिक्का पाडण्या योग्य नाही असें नजरेस येईल तर ती मालकास परत करावी आणि मिंट मास्तरचे व असिस्टंट बुलियन क्रीपरचे सहीचे लेखी परवानगी चिठी वरून ती टांकसाळेंतून बाहेर जाऊं द्यावी आणि सोने किंवा चांदी सदरू प्रमाणे रद्द केली असेल तीचे एन वजनावर ठराविलेले दरा प्रमाणे प्रथम गाळण्याचा खर्च होईल तो मालकाने दिल्या पाहिजे.

जेम्स हेनरी बर्क कपतान,
मिंट मास्तर.

तारीख २३ माहे डिसेंबर सन १८५६ इसवी

मुकाम मुंबई टांकसाळ.

VENAYEK WASSOODER,
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.

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.

BANK OF BOMBAY.**DISCOUNT.**

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

INTEREST.

On Fixed Loans on Government } 5 per cent.
Notes and Railway Shares.. }
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.

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	"	"
Balkisondass Bhugwandass.	A Guzerathee Writer.....	Ditto	Without the Fort, in the Maharaj's Oart, near Bhoolesthwur.	28th	"	"
Estote Koyah	A General Dealer	Mahomedan..	Without the Fort, at Wuddachy Gaddy.	"	"	"
Nabab Syed Nusseeroodin Cunnroodin.	A Government Pensioner..	Ditto ..	Without the Fort, in Bheedy 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.
Muccoond Hurjee.....	3rd Monday....	April instant	11 o'clock.
Ramchundra Bhewjee	Ditto	Ditto	Ditto.
Muddonjee Jadownjee	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 Suckoobae	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 ફોરટ મધે.

જાહેર મખર એ ઉપરથી આપવામાં આવે છે, જે, વિગત સાથે હેની હેફળ જે જુદી જુદી આરામીઓનાં નાંમો લખેલા છે, તેઓએ મુખધની નાદાર દેવુદારોનાં છુટકા કરનારી ફોરટને અરજીઓ આપી છે, તેમાં એક એકની અરજ હેવી છે જે વિક્રેયીયાના અગિઆરમે વરસો જે ધારો કરીને કરાવ્યો છે, તેના એકવિશમાં બાબમાંનો ધલાજ હમોને મળે.

નામ.	ધંધો.	જાત.	મુખધમધે રહેવાનું કંકાલું.	અરજીઓ દાખલ કરાની તારીખ.		
				દાહાડા	માસ.	વરસ.
દાઉદ દાદા.....	બુકવેચનર	મહમદીઅન.	કોટખાહાર ખીખીજનના મોલામો.	૨૪ મો	માર્ચ.	૧૮૫૭.
મકુંદ હરજી.....	કંઠનહી	હીંદુ.	આગળ કોટખાહાર ત્રીનીટી આપેલ ધરાટરીટમાં ચની વાડીમો ને હાલ મુખધની તુરંગમો.	૨૬ મો	એવ.	એવ.
કેશવ વાસુદેવજી.....	સદર અદાલતમો લખનાર ..	હીંદુ.	કોટખાહાર વીહલવાડીમાં...	૨૭ મો	એવ.	એવ.
બાજીશાનદારા ભગવાન દારા.	ગુજરાતી લખનાર	હીંદુ.	કોટખાહાર ભુલેશવર આગળ મહારાજની વાડીમાં.	૨૮ મો	એવ.	એવ.
ધરાટોટ કોઆ.....	રાધળી વસ્તુનો વેપારી	મહમદીઅન.	ખાહારકોટ વડની ગાદી આગળ.	એવ.	એવ.	એવ.
નખાય રામેદ નરાઈદીન કમરદીન.	ગવરમેંટ પેનશનર	મહમદીઅન.	કોટખાહાર ભીડીબજારમો.	૧ લો	અપ્રેલ.	એવ.
જેમરા ઉઈનડાર તથા જાન બરાક ઉઈનડાર.	પેહેલાને ઇંડોખીટન આડલરી હાટેલમો ચાકરી છે ને ખીજાને મુખધની કરાટમની ફાલોટીલામો.	ઇંડોખીટન.	કોટખાહાર પેલો ભાઈખલા ઉપર અને ખીજા અગીઆરી લેનમો.	૪ થો	એવ.	એવ.
ગણપતરાવ ગોપીનાથજી.....	સુપરેન્ટેંડેટ આફ હાઈસમો ધનરાપકર.	હીંદુ.	કોટખાહાર મહેમમાં	૬ ઠો	એવ.	એવ.
રામચંદર ભીવજી.....	કરાઉડની હાઈશામો લખનાર.	હીંદુ.	અગળ કોટખાહાર ગીરગામમો ચોપાટી પારો ને હાલ મુખધની તુરંગામો.	એવ.	એવ.	એવ.
મદનજી જાદવજી.....	આગળ મરનાર મુંદરજી વીરજી ની ચાકરીમો લખનાર.	હીંદુ.	અગળ કોટમાં બજાર ગેટ સ્ટ્રીટમો ને હાલ મુખધની તુરંગમો.	એવ.	એવ.	એવ.

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 ચીજવસ્તુ આ નામદાર કોરટના આફિસિઆલ આશાએનીના તાબામાં આપે.

નીચે લખેલા નાદાર દેવાદારોની અરજીઓ સાંભળવારાજ હાવેલા ધીવસ.

નામ.	વખત.		
	દાહાજા.	માસ.	કલાક.
મકુંદ હરજી	૩ જો સોમવાર.	ચાલતો અપરેલ.	૧૧.
રામચંદર ભીલજી	એજ.	એજ.	એજ.
મદનજી જાદવજી	એજ.	એજ.	એજ.
કેશવ વાસુદેવજી	૧ જો સોમવાર.	ચાલતો મેએ.	એજ.
નખાખ રાહએદ નરજીદીન કમરજીદીન	એજ.	એજ.	એજ.
દીનકર વામનરાવ	એજ.	એજ.	એજ.
ગણપતરાવ ગોપીનાથજી	એજ.	એજ.	એજ.
હરિયોટ કોઆ	એજ.	એજ.	એજ.
નારાએજી દુકારામ તથા ગેનુ દુકારામ તથા સકુબાઈ	એજ.	એજ.	એજ.
રામશુદીન ખીન ખનકુમીઆ મરકે	એજ.	એજ.	એજ.

આજા આવનાર લેણદારોએ, થોડામાં થોડા સાંભળવાના તણ દાહાજા અગાઉ, સોગણનાંમાથી સાખીત કરેલા પોતાના દાવા હમારી આશીસમાં દાખલ કરવા જોઈએ, તથા સિરસ્તા પ્રમાણે તેઓને શી આપવી જોઈએ. ઉપર લખેલા નાદાર દેવાદારોએ પોતાના દેવાની, તથા માલ મિલકતની, ટીપો હમારી આશીસમાં દાખલ કરાવી છે.

નીચે લખેલા નાદારના હસ્તેટમાંથી ફાલા આપવાને હરાવીઆ છે તેહેની વીગત.

હેનરીપારકર લારેનરા. ૩ જો સોમવાર. ચાલતો અપરેલ. રોકેટ રકા ૮.
માધવદાસ રઘનાથદાસ. એજ. એજ. રોકેટ રકા ૩ા.

મુંખઈનાં કોટમધે, કોટના કલાર્કની આશીસમાં,
લખી તારીખ ૭ મી અપરેલ સને ૧૮૫૭.

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

(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. ..	..	4	..	2	12	..	..	1	1	..	..	..	1	..	..	..	..	21
Brahmuu. ..	..	..	..	2	7	..	..	..	1	..	..	..	1	..	..	..	..	11
Lingaet and Bhatia ..	..	..	..	2	3	1	..	..	1	..	..	..	..	..	..	..	..	7
Hindoo of other Caste ..	..	4	44	4	62	59	2	10	14	..	2	1	6	..	..	2	..	206
Hindoo Out-caste ..	..	1	6	..	5	12	..	1	3	..	..	..	..	..	..	..	..	27
Moosulman ..	..	2	6	5	28	37	..	1	4	5	..	1	6	..	1	..	..	95
Parsee ..	..	1	..	1	12	2	..	2	3	..	..	..	..	..	1	..	..	21
Jew ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Native-Christian. ..	..	1	1	1	5	..	..	..	2	..	1	..	..	..	..	1	..	12
Indo-European ..	..	..	..	..	1	..	..	..	..	..	1	..	..	..	..	1	1	4
European. ..	..	1	..	3	..	2	1	..	3	..	..	..	1	..	..	..	..	11
Negro-African ..	..	1	..	..	..	..	..	..	2	..	..	..	1	..	..	..	..	4
Other and Unknown Caste ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total. ..	8	63	11	117	138	5	2	18	35	..	5	2	16	..	2	4	1	419
Mean of the corresponding Weeks in the preceding Nine Years. ..	73	37	3	138	12	..	27	38	1	2	1	12	1	3	3	1	353	

Notice

Is hereby given, that the Sums on account of the ESTATES of the undermentioned DECEASED NATIVE SEAMEN, of the Ships specified herein, have been received into my Office, and the same will be paid by me to their legal representatives, on application, with full particulars (post-paid) :—

Seaman's Name.	No. of Register Ticket.	From what Port held.	Capacity.	To what Ship belonged.	Of the Port of	Amount.
Jamaul Mundoo	17012	Bombay	Lascar	Octavia	Unknown.	Rs. a. p. 39 2 8
Ahmed Ibrahim	1135	Ditto	Ditto	British Flag.....	Liverpool.	40 0 0

Register of Seamen Office, Bombay, 6th April 1857.

W. R. HAYMAN,
Acting Registrar of Merchant Seamen.

اشتہار نامہ

ظاہر کیا جاتا ہے کہ کچھ روپے بابت مال اور اسباب خلاصیوں متوفی کے چنکا اور چنکے جہازوں کا نام نیچے لکھا گیا ہے میری آفیس میں جمع ہوئے ہیں جو کوئی آنکے وارث ہونگے اور اپنی درخواست مع اثبات اپنی حقیت کے تاک کا محصول دیگر میرے پاس بھیجینگے تو وہ روپے انکو دئے جائینگے

خلاصیوں کے نام	رجسٹر لگت کا نمبر	رجسٹر لگت کونسے بندرسے رجسٹر لگت ملا	عہدہ	کونسے جہاز پر نوکر تھا	کونسے بندر کا	مبلغ
جمال محمدو	17012	بہائی ..	خلاصی ..	اوکٹیوبا	نامعلوم	پای آنے روپے ۳۹ ۲ ۸
احمد ابراہیم	1135	ایضا ..	ایضا ..	برٹیش فلائی ..	لیورپول	۴۰ ۰ ۰

رجسٹرار آفیس

بہائی تاریخ ۶ مارچ اپریل سنہ ۱۸۵۷

(منسج) ولیم رگدن ہیمن صاحب
اگنگ رجسٹرار آف مرچنٹ سیدین

VENAYEK WASSOODEW, Oriental Translator to Government.

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 in-

spected 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.

General Orders.

MILITARY DEPARTMENT.

BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 11th April 1857.

No. 358 of 1857.—The following temporary appointments are ordered :—

Brevet Major G. H. Robertson, 25th Regt. N. I., to act as Paymaster at the Presidency during the absence of Major Barr on service in Persia, or until further orders.

Captain W. M. Leckie, 13th Regt. N. I., to act as Paymaster of the Poona Division during the absence of Captain H. Willoughby on service in Persia, or until further orders.

The services of Brevet Major Landon, 3rd European Regiment, are placed at the disposal of His Excellency the Commander in Chief for Regimental duty.

Bombay Castle, 13th April 1857.

No. 359 of 1857.—Captain C. Hodgkinson, 28th Regt. N. I., is allowed leave to Europe on medical certificate, for eighteen months, under the New Furlough Regulations.

Bombay Castle, 14th April 1857.

No. 360 of 1857.—The Right Honorable the Governor in Council is pleased to make the following appointments :—

Major General F. P. Lester, of the Artillery, to the Divisional Staff of the Army, in succession to Major General Stalker, C.B., deceased.

Colonel M. F. Willoughby, C.B., to be Inspector General of Ordnance and Magazines.

Lieutenant Colonel J. Grant to be Principal Commissary of Ordnance.

Major J. M. Glasse to be Agent for Gun-Carriages, continuing to act as Deputy Adjutant General of the Army.

Lieutenant Colonel T. W. Hicks to act as Agent for Gun-Carriages during Major Glasse's employment on other duty, or until further orders.

No. 361 of 1857.—Second Lieutenant G. G. Gordon, of the Bengal Artillery, is allowed a furlough to Europe on medical certificate, for eighteen months, under the New Furlough Regulations.

No. 362 of 1857.—The services of Assistant Surgeon H. Atkins are placed at the disposal of the Commander in Chief of the Indian Navy, for duty in that branch of the Service.

Bombay Castle, 15th April 1857.

No. 363 of 1857.—Veterinary Surgeon T. P. Page, of the 1st Regiment Bengal Light Cavalry, is allowed a furlough to Europe on medical certificate, for eighteen months, under the New Furlough Rules.

No. 364 of 1857.—The Right Honorable the Governor in Council is pleased to publish the following General Order by the Government of India, No. 466, dated the 27th March 1857 :—

“ Under the authority of the Honorable the Court of Directors, the Right Honorable the Governor General in Council is pleased to extend to Officers generally, at the three Presidencies, the privilege granted to Officers at Mooltan and Peshawur, of being allowed, when the demands of the Service will permit, temporary leave, without pecuniary loss, or loss of service, for sixty days consecutively in the course of each year, or of thirty days consecutively in each half year, as may be preferred by them.”

No. 365 of 1857.—The Right Honorable the Governor in Council is pleased to confirm temporarily, and pending further orders, the following appointments, made, consequent on the decease of Major General Stalker, C.B., by Lieutenant General Sir James Outram, K.C.B., Commanding the Expeditionary Force in Persia :—

Brigadier Wilson, K.H., to the Command of the 1st Division of Infantry, and Lieutenant Colonel Shephard, 20th Regt. N. I., to Command the 1st Brigade 1st Division.

No. 366 of 1857.—The undermentioned Officers, who proceeded to Europe, &c. on private or medical leave between the 1st of February and 6th December 1854, have made their election between the Old and New Furlough Rules, as specified opposite their names :—

Surgeon J. J. Atkinson	} Old Rules.
Captain F. G. Green, 7th Regt. N. I.	
Assistant Surgeon J. Kaye	
Lieutenant W. A. Armstrong, 3rd Eur. Regt.	
Brevet Major E. Wray, Artillery	} New Rules.
Captain J. A. Anderton, 19th Regt. N. I.	
Captain M. J. Soppitt, 12th Regt. N. I.	
Lieutenant P. D. Marett, Artillery	

No. 367 of 1857.—Lieutenant J. Currie, of the 15th Regt. N. I., Deputy Collector of Mehur, is allowed a furlough to Europe for fifteen months, on medical certificate, under the New Furlough Regulations.

No. 368 of 1857.—The following Gentlemen are admitted to the Service, in conformity with their appointments by the Honorable the Court of Directors, as Cadets of Artillery and Infantry, and an Assistant Surgeon, on this Establishment:—

Artillery.

Date of Arrival at Bombay.

No. 880, Mr. Townsend Henry Moore..... 6th April 1857.

Infantry.

Rank and Posted
to Regiments in G. G.
O. 27th March 1857.

No. 896, Mr. Cornelius Francis James.....	} 6th April 1857.
No. 899, Mr. Henry Bennett Edwards.....	
No. 871, Mr. Edward Tanqueray Willaume.....	
No. 914, Mr. Charles Peter Newport	
No. 918, Mr. William Hassalls Yates	
No. 953, Mr. Charles Wodehouse.....	

Medical Establishment.

No. 78, Mr. James Lalor, A.B. 6th April 1857.

The undermentioned Officers have returned to their duty, without prejudice to their rank, by permission of the Honorable the Court of Directors:—

Date of Arrival at Bombay.

Captain (Brevet Major) J. C. Bate, 11th Regt. N. I.	} 6th April 1857.
Captain (Brevet Major) J. McGrigor, 21st Regt. N. I.	
Captain H. Heyman, 15th Regt. N. I.	
Lieutenant D. J. Kinloch, Regiment of Artillery.....	
Lieutenant R. Pittman, Regiment of Artillery	
Lieutenant J. C. Farquharson, 2nd Regiment Light Cavalry.	
Ensign E. C. P. Willoughby, 10th Regt. N. I.	

No. 369 of 1857.—The following Orders are confirmed:—

Dated 11th February 1857.—By Lieutenant Colonel Lucas, directing Assistant Surgeon Brown, of the 2nd Gr. Regt. N. I., to proceed to Kaira, and perform the duties of Civil Surgeon at that Station, vice Assistant Surgeon Lawrence, proceeding to Bombay on medical certificate.

Dated 4th March 1857.—By Brevet Lieutenant Colonel Malcolm, appointing Lieutenant Kerr, in addition to his duties of Second in Command Field Service Troops, to continue to perform the duties of Adjutant of the Southern Muratha Irregular Horse, with effect from the 7th February last, until further orders.

Dated 24th March 1857.—By Captain Pogson, directing Assistant Surgeon Lord, Civil Surgeon, Rajkote, to receive medical charge of Staff Depot of the 3rd Regiment Light Cavalry, Detachment of the 1st Company 3rd Battalion Artillery, Wing 17th Regt. N. I., and Depot 23rd Regt. N. I., from the 25th idem, from Sub-Assistant Surgeon Burjorjee Ardaseer.

Dated 25th March 1857.—By Brigadier Blood, appointing Lieutenant Lucas, of the 4th Battalion Artillery, to receive charge of the Bazar and Commissariat Departments at Ahmednuggur, on the departure of Lieutenant Clarke to Bombay.

Dated 27th March 1857.—By Lieutenant Colonel McDougall, appointing Lieutenant Litchfield to act as Quartermaster to the 21st Regt. N. I., vice Lieutenant Woodhouse, appointed Third Assistant Land Transport Corps.

Dated 28th March 1857.—By Major General Wilson, appointing Lieutenant Colonel Pelly, Assistant Adjutant General, in addition to his present duties, to receive charge of the Office of the Assistant Quartermaster General Southern Division of the Army, from the 30th idem, on the departure of Captain Henderson from Belgium.

Dated 28th March 1857.—By Major Duncan, appointing Assistant Surgeon Pirie, in the absence of another qualified Officer, to act as Interpreter to the 24th Regt. N. I., vice Lieutenant Clarke.

Dated 1st April 1857.—By Major General Schuler, appointing Captain Champion, Acting Brigade Major, to act as Deputy Assistant Adjutant General and Deputy Assistant Quartermaster General, Poona Division of the Army, on the departure of Captain Coley from that Station; and Captain James, of the 6th Regt. N. I., to act as Brigade Major at Poona, vice Captain Champion.

Dated 1st April 1857.—By Lieutenant Colonel Carstairs, appointing Lieutenant J. A. Smith to act as Quartermaster to the 6th Regt. N. I., until the arrival of Lieutenant Wigney, vice Captain James.

No. 370 of 1857.—Veterinary Surgeon T. Aston, of the 8th Regiment Madras Light Cavalry, is allowed a furlough to Europe on medical certificate, for three years, under the Old Furlough Regulations.

No. 371 of 1857.—Captain T. W. Clagett, 3rd Regiment Madras Light Cavalry, Commanding 1st Cavalry Hyderabad Contingent, is allowed a furlough to Europe on medical certificate, for fifteen months, under the New Furlough Rules.

No. 372 of 1857.—Lieutenant W. Fane, of the 11th Regiment Madras Native Infantry, and 1st Punjab Irregular Cavalry, is allowed a furlough to Europe on medical certificate, for fifteen months, under the New Furlough Regulations.

No. 373 of 1857.—Lieutenant E. Thompson, of the 67th Regt. Bengal N. I., Assistant Settlement Officer Mooltan, is allowed a furlough to Europe on medical certificate, for fifteen months, under the New Furlough Regulations.

No. 374 of 1857.—The following temporary appointment is announced:—

Captain C. Ponsonby, Acting Assistant Quartermaster General, officiated as Deputy Quartermaster General of the Army from the 14th February to the 19th March last, both days inclusive.

No. 375 of 1857.—Ensign E. S. Ostrehan, 25th Regt. N. I., is allowed a furlough to Europe on medical certificate, for eighteen months, under the New Furlough Regulations.

No. 376 of 1857.—The Honorable the Court of Directors have announced in a Despatch-addressed to the Government of India in the Financial Department, that the rate of Exchange for Bills to be drawn in the official year 1857-58, for Her Majesty's Naval Service, and for the Public Service in China, as also in respect of Officers' Family Remittances and Effects, has been fixed at Two Shillings and One Penny the Company's Rupee.

No. 377 of 1857.—The following is a copy of List No. 2 of Rank of Assistant Surgeons for Bombay, received from the East India House :—

To rank from the date of their appointment, and in the following order, provided they take their departure within the prescribed period, viz :—

Alexander K. Simpson, M.D., M.A.	} 29th January.
Thomas Powell.	
James Lalor.	
Rustomjee Byramjee, M.D.	

(Signed) PHILIP MELVILL,
Secretary Military Department.

East India House, 4th March 1857.

No. 378 of 1857.—The following promotion is made :—

Infantry.

Supernumerary Lieutenant Colonel (Major General) W. Wyllie, C.B., to be Colonel, from the 14th March 1857, vice Colonel (Brevet Major General) F. Stalker, C.B., deceased.

No. 379 of 1857.—That part of the General Order No. 286, dated the 16th ultimo, which confirms an Order by Lieutenant Colonel Lowth, appointing Lieutenant Knight, of the 1st Belooch Battalion, to act as Interpreter to the 1st European Regiment (Fusiliers), is cancelled.

No. 380 of 1857.—Referring to G. G. O. of the 11th February last, No. 174, Major R. Phayre is confirmed in the appointment of Quartermaster General of the Army, with the official rank of Lieutenant Colonel, subject to the final approval of the Honorable the Court of Directors.

No. 381 of 1857.—Captain R. Warburton, of the 2nd Company 7th Battalion Bengal Artillery, is allowed leave of absence, to proceed to Calcutta, from the 7th instant to the 1st proximo, under the New Furlough Regulations.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,
Secretary to Government.

M A R I N E D E P A R T M E N T.

Bombay Castle, 14th April 1857.

No. 69 of 1857.—The services of Assistant Surgeon H. Atkins are placed at the disposal of the Commander in Chief of the Indian Navy, for duty in that branch of the Service.

Bombay Castle, 15th April 1857.

No. 70 of 1857.—The Right Honorable the Governor in Council is pleased to appoint Captain J. W. Young Commodore in the Persian Gulf, from the 17th ultimo, vice Ethersey, deceased.

No. 71 of 1857.—Mr. B. M. Holloway, 1st Class Engineer, is allowed a furlough to Europe for two years.

No. 72 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.

Mr. J. E. C. Price, Acting First Assistant Master Attendant, proceeding on board the private Steamer "Phlox," in search of the Transport "Queen of the North," to be accommodated on board of that vessel, at the Commander's table, from 17th to 21st March 1857, inclusive.

Lieutenant Peevor, of the "Acbar," to be Superintendent of Pattamars and Small Crafts, from the 21st March 1857, vice Lieutenant Holt.

Lieutenant Holt, of the "Acbar," proceeding to join the Indus Flotilla, to be accommodated on board the Transport "Washington," from the 28th March 1857.

The following promotions to take place from the 17th March 1857, consequent upon the death of Mr. Pilot Arnott :—

Mr. D. Jolly, No. 1, 3rd Class Pilot, to be No. 4, 2nd Class.

Mr. R. Tucker, No. 2, 3rd Class Pilot, to be No. 1.

Mr. J. Ingle, No. 3, 3rd Class Pilot, to be No. 2.

Mr. J. Anderson, No. 4, 3rd Class Pilot, to be No. 3.

G. Green, Junior Probationary Pilot, No. 2, to be No. 4 Pilot of the 3rd Class, from the 21st March 1857.

Persian Gulf Squadron Orders.

Lieutenant Boodle and Moonshee, proceeding on duty to Quito, to be accommodated with a passage on board the "Sir Jamsetjee Jejeebhoy," from the 19th February 1857.

The Honorable C. A. Murray, Envoy and Plenipotentiary to the Court of Persia, and Suite, to be accommodated on board the "Semiramis," at the Captain's Mess, from the 23rd February 1857.

Commander A. Nesbitt, Agent for Transports, to be accommodated on board the "Earl of Clare," from the 24th February 1857.

Mr. W. A. Sandison, Acting Master, in Charge of the "Lady Falkland," to the Charge of the "Nitocris" Flat, from the 26th February 1857, vice Mr. French.

Mr. French, Acting Master, in Charge "Nitocris" Flat, to the Charge of the "Lady Falkland," from the 26th February 1857, vice Mr. Sandison.

Aden Squadron Order.

Lieutenant Playfair, Assistant Political Resident at Aden, proceeding on duty, to be accommodated on board the "Mahi," at the Commanding Officer's Mess, on the 28th January, as also from 5th to 14th February 1857, inclusive.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,
Secretary to Government.

Civil Appointments, &c.

JUDICIAL DEPARTMENT.

Bombay Castle, 14th April 1857.

Mr. C. H. Cameron, Assistant Judge and Session Judge of the Konkun, having returned from his leave on sick certificate to England, is permitted to rejoin his appointment.

Bombay Castle, 15th April 1857.

Mr. J. L. Johnson, Second Judge of the Court of Small Causes, is allowed leave of absence for fifteen days, under Section VI. of the Uncovenanted Service Absentee Rules, from 1st May next.

Mr. A. Richardson, Judge and Session Judge of Khandeish, is allowed leave of absence from the 5th May to the 4th June next, under Section XII. of the Absentee Rules.

Erratum.—Captain H. F. Davies, Superintendent of Police at Kaira, assumed charge of the office on the 7th March last, and not on the 8th idem, as published in the *Government Gazette* of the 20th March.

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

TERRITORIAL DEPARTMENT,

REVENUE.

Bombay Castle, 15th April 1857.

Lieutenant J. Currie, Second Class Deputy Collector of Mehur, in the Shikarpoor Collectorate, has been allowed leave to proceed to Bombay, on medical certificate, from the 15th ultimo, preparatory to his obtaining sick leave to England.

Mr. J. B. Peile to be an Assistant to the Collector and Magistrate of Ahmedabad.

Mr. W. Ramsay to be an Assistant to the Collector and Magistrate of Surat.

The undermentioned gentlemen of the Civil Service have been directed to study the Murathee language at the Stations marked opposite their names:—

Mr. W. G. Pedder	} Poona.
Mr. J. B. Richey	
Mr. F. Maenaghten . . . . .		Tanna.

Mr. C. Daly, of the Civil Service, is placed under the Acting Commissioner in Sind, for the purpose of prosecuting his studies in the Sindhee language.

Mr. Bapoo Rowjee, Sub-Assistant Inam Commissioner, is allowed leave of absence for six days, from the 25th to the 30th instant, under Section VI. of the Uncovenanted Service Absentee Rules, to proceed to the Presidency.

The privilege leave of absence for one month granted to Lieutenant A. Phillips, Assistant Superintendent Rutnagherry Revenue Survey, under date the 14th ultimo, is to have effect from the 31st, instead of the 25th March.

Lieutenant W. C. Lester, Deputy Collector of Roree, in the Shikarpoor Collectorate, has been granted privilege leave of absence, under the New Furlough Regulations, from the 15th April to the 15th May 1857, to proceed to Kurrachee.

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

GENERAL DEPARTMENT.

Bombay Castle, 13th April 1857.

The Notification dated the 8th April 1857, placing the services of Captain J. F. Lester, 10th Regt. N. I., Acting Educational Inspector Deccan Division, temporarily at the disposal of His Excellency the Commander in Chief, for duty with his Regiment proceeding on Field Service, is cancelled.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 15th April 1857.

Assistant Surveyor and Builder Muncherjee Bazonjee, employed under the Executive Engineer, Ahmedabad and Kaira Collectrates, is allowed leave of absence on private affairs, to proceed to Surat, from the 15th May to the 14th August 1857, under Section VII. of the Uncovenanted Absentee Rules.

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

TERRITORIAL DEPARTMENT, FINANCE.

The Right Honorable the Governor in Council having received a communication from the Civil Auditor, reporting the general neglect by Disbursing Officers of the Rules connected with the Audit of Civil Accounts issued by Government on the 24th July 1848, is therefore pleased to publish the following revised rules.

1. It being absolutely necessary that all Cash Accounts should be expeditiously audited and adjusted, they must, for this purpose, be framed with the greatest practicable accuracy, and sent for audit by the prescribed dates, as per margin.
2. Disbursing Officers are prohibited, except

40 days after the close of each month, excepting those for July and April.

For July 60 days after the close.

For April 70 days ditto.

upon emergent service, from making advances of cash, or payments of any kind not authorised.

3. All doubtful charges should, before payment, be submitted for the sanction of Government or the Civil Auditor.

4. Audits shall be answered within the period

Stations distant from Bombay
300 miles and under. . . . 20 days.
Beyond that distance. 30 days.

marginally indicated, calculating from the date of their receipt (to be acknowledged by return of post), and the time for the return of readuits will be at the discretion of the Civil Auditor, who is authorised to make final all retrenchments on readuit, if not satisfactorily accounted for.

5. In replying to checks, Disbursing Officers are to use their utmost endeavours to furnish explanations in as clear and concise a manner as possible.

6. It is necessary that all Vouchers should be concisely and legibly written, and, as far as possible, prepared on paper of the same size. Disbursing Officers should bring this prominently to the notice of their Mamlutdars, and all other subordinates.

7. Checks made final are to be adjusted in one month, either by recovery, or by placing the amount checked to the personal debit of the Disbursing Officer, as directed in the Civil Auditor's Circular of the 18th September 1852, No. 427, issued under the authority of Government of the 15th idem.

8. Disbursing Officers are strictly prohibited from paying to any Officer returning from leave more than a portion of the salary due, in accordance with the Civil Auditor's Circular of 14th April 1855, No. 1430 (issued under sanction of Government), and in no case is the remainder of the salary to be paid without sending the Abstract for preaudit, accompanied with certificates of the last payment, and of the date of the Officer quitting and returning to his Station.

9. Whenever it is intended to appeal to Government against the decision of the Civil Auditor, no time must be lost in taking this step, and the party must state clearly every additional argument he may have to offer, as the decision of the Honorable Board will be final.

By order of the Right Hon'ble the Governor in Council.

H. YOUNG,

Chief Secretary to Government.

Bombay Castle, 13th April 1857.

GENERAL DEPARTMENT.

The appointment of Mr. T. C. Hope, Educational Inspector, Guzerat Division, as Municipal Commissioner for the Towns specified in the margin, in the Ahmedabad Collectorate, notified under date 4th March 1857, is cancelled.

Dholka.
Dhundooka.
Dhollera.
Rampoor.
Gogo.
Veerungaum.
Purantej.

By order of the Right Hon'ble the Governor in Council,

W. HART,

Secretary to Government.

Bombay Castle, 14th April 1857.

JUDICIAL DEPARTMENT.

Under the provisions of Regulation VI. of 1834, the Right Honorable the Governor in Council has sanctioned the closing of the Courts of the Moonsiffs of Walwa, Indolee, Punderpoor, Khanapoor and Beejapoor, in the SATTARA DISTRICTS, for six weeks from the 5th instant.

By order of the Right Hon'ble the Governor in Council,

H. L. ANDERSON,

Secretary to Government.

Bombay Castle, 11th 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 Courts of the Native Judges of the SHOLAPORE ZILLAH for six weeks from the 20th instant, and of the Zillah Court for one month, from the 4th May.

By order of the Right Hon'ble the Governor in Council,

H. L. ANDERSON,

Secretary to Government.

Bombay Castle, 15th April 1857.

PUBLIC WORKS DEPARTMENT.

Referring to a Government Resolution of the 19th April 1855, by which the Barrack duties were transferred from Officers of the Public Works Department to Station Staff Officers, the Right Honorable the Governor in Council is pleased to direct that the performance of the following duties, within Military Cantonments, be henceforth understood to belong to the Officers in charge of the Barrack Department:—

Construction and Repair, Receipt and Issue, of Barrack and Office Furniture.
Construction and Repair of Carts, Barrows, Trucks, and Apparatus for drawing Water.
Tinning Copperware.
Drawing Water for Swimming Baths.
Supply of Oil to Guards.
Lighting Bandstands.
Cowdunging Floors.
Construction, Repair, and Watering of Tatties.
Construction, Repair, and Pulling of Pankahs.
Cleaning Cantonments and Bazars.
Deodorising Privies and Urinaries.
Removal of Noxious Vegetation.
Planting, Tending, and Watering Trees.
Cutting and Trimming Hedges.
Collection and Payment of Grazing Funds.
Renting Land or Buildings.

The Audit of all charges incurred in the performance of the abovementioned duties belongs to the Military Board.

By order of the Right Hon'ble the Governor in Council,

W. HART,

Secretary to Government.

Bombay Castle, 15th April 1857.

GENERAL DEPARTMENT.

Whereas it is provided by Act No. XXVI. of 1850, that whenever any application shall be made to the Government for putting the said Act in force in any Town or Suburb, notice thereof shall be given in the Government Gazette of the Presidency or Place, and also by Proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for

all Inhabitants of such Town or Suburb to declare themselves for or against the adoption of the said Act therein, for such purposes, or any of them; and whereas application has been made to the Government that the said Act No. XXVI. of 1850 may be put in force within the Town of OLD HALLA, for the purpose of making better provision for making, repairing, cleaning roads, drains, and tanks, and for improving the said Town, and preventing any nuisances arising therein: Notice of the application aforesaid is hereby given, and all Inhabitants of the said Town of OLD HALLA are hereby informed that such of them as are minded to declare themselves for or against the adoption of Act No. XXVI. of 1850 in the Town of OLD HALLA for the purposes described in the application aforesaid, or any of them, may declare themselves accordingly before E. P. DOWN, Esq., the Magistrate of HYDERABAD, at any time during the usual office hours, within two months from this date.

By order of the Right Hon'ble the Governor in Council,

W. HART,

Secretary to Government.

Bombay Castle, 15th April 1857.

**TERRITORIAL DEPARTMENT,
REVENUE.**

TANNA COLLECTORATE.

Azim Choonilall Venilall to be 1st Class Mam-lutdar of Panwell, from the 1st of May next.

E. G. FAWCETT,

Revenue Commissioner N. D.

*Tanna Districts, Rev. Comr.'s Office,
Camp Matheran, 8th April 1857.*

**MEDICAL DEPARTMENT,
CIVIL.**

Erratum.

No. 47 of 1857.—In Medical Board's Notification No. 46, dated 6th instant, for "Ram Churrun, Civil Hospital, Kolapore," read "Ram Churrun, Civil Hospital, Sholapore."

By order of the Medical Board,

W. C. COLES, M.D., Assist. Surg.,

Acting Secretary Medical Board.

Bombay, Medical Board Office, 15th 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 per-

son 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, 14th March 1857.*

Notice.

All persons having CLAIMS against the ESTATE of the late Corporal WILLIAM TEIRNY, of the Ordnance Department, deceased, or being indebted, or holding Property, are requested forthwith to state their Claims, pay their Debts, and deliver up such Property, without delay, to Major J. C. BATE, 11th Regt. N. I., President of the Committee of Adjustment.

J. C. BATE, Major,

President of Committee of Adjustment.

Bombay, 14th April 1857.

Notice.

All persons having CLAIMS against the ESTATE of the late Major General F. STALKER, C.B., deceased, or being indebted, or holding Property, are requested forthwith to state their Claims, pay their Debts, and deliver up such Property, without delay, to Major J. C. BATE, 11th Regt. N. I., President of the Committee of Adjustment.

J. C. BATE, Major,

President of Committee.

Bombay, 14th April 1857.

Notice.

All persons having CLAIMS against the ESTATE of the late Conductor J. HIGGINS, of the Commissariat Department, deceased, or being indebted, or holding Property, are requested forthwith to state their Claims, pay their Debts, and deliver up such Property, without delay, to Major J. C. BATE, 11th Regt. N. I., President of the Committee of Adjustment.

J. C. BATE, Major,

President.

Bombay, 14th April 1857.

Notice.

All persons having CLAIMS against the ESTATE of the late Lieutenant Colonel WHITLIE, C.B., deceased, or being indebted, or holding Property, are requested forthwith to state their Claims, pay their Debts, and deliver up such Property, without delay, to Major J. C. BATE, 11th Regt. N. I., President of the Committee of Adjustment.

J. C. BATE, Major,

President of Committee.

Bombay, 14th April 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.

જાહેર નામુ.

એહું ને તારીખ ૨૩ મી માહે ડિસેમ્બર રાને ૧૮૫૬ ને દિવસે મિંટ માસ્ટરે જાહેરનામું પ્રગટ કર્યું છે તે બાબત મિંટ કમિટિના હુકમથી મિંટ માસ્ટર એહું જાહેર કરે છે કે, લંડનના ચાંદીના લાક્ષ હાલ ઘણા આપ્યા છે તથા ઘણા આવવાના છે વાસ્તે બિચું જાહેરનામું પ્રગટ કર્યામાં આવે ત્યાંહાંમુખી સદ્દુ પ્રકારની ચાંદી પ્રથમ ગલાવીઆ શિવાય તથા ચાલતા મહિનાની પેહેલી તારીખની અગાઉ સદ્દુ પ્રકારની ચાંદી ને રીતે લેતા હતા તેમ ટેકસાલમાં લેરો પણ ધન્યો-ધસિમાં ચાંદીનો ને રૂચ લખેલો હોય તે બ્રિટિશ ઇડિઆના ઇન્વેલા ચાંદીના રૂચ કરતાં વધતો હોય એ જો રોકે ૯૧.૬૬ થી વધતો હોય તોજ લેરો.

નાયું આગલ પ્રમાણે પ્રથમથી ગાલા કરશે અને ને ચાંદી ખરેખરી પ્રથમ ગાલશે તેનોજ માત્ર પ્રથમ ગાલવાનો ખર્ચ લેરો.

સહી.

જેમ્સ હેનરી બર્ક કપતાન,

મિંટ માસ્ટર.

તારીખ ૨૪ મી માહે જાનેવારી રાને ૧૮૫૭ ઇસવી

મુકામ મુંબઈ ટેકસાલ.

VENAYEK WASSOODEW,
Oriental Translator to Govt.

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.

મુંબઈની નાદાર દેવાદારોના છુટકા કરનારી કોર્ટ મધે.
નવરોજી બેરામજી તથા સોરાબજી બેરામજી
નાદારોની અરજીની બાબતમાં.

તમોને એહપરથી ખબર પોયે ને ઉપર કહેલા નાદાર દેવાદારોએ હાલ લેવાની આ નામદાર કોર્ટમાં અરજી દાખલ કરી છે તે તથા તેને લાગતા વલગતા રાખે કાગલો પાછા લેવાસારે રજા માગવાને વાસ્તે આ નાદાર દેવાદારની કોર્ટને ચાલતા અપરેલ મહિનાની તારીખ વીરામીને સોમવારે અરજી કરવાના છે વાસ્તે તે અરજીને આજ આવાની કોઈ લેણદારની ઈછા હોય તો તેની ખબર હમારી હાજીરામાં ઇડાણુ થવાના ઓછામાં ઓછા દાણુ ત્રણ અગાઉ હમને આપવી અને આવતા અપરેલ મહિનાની તારીખ વીરામીએ કોર્ટમાં તે અરજીને અટકાવ કરવાને હાજર થવું.

જે. એ. મેકનજી, કોર્ટના કલારકની વતી
વ. જુરૂશીલડ.

કોર્ટના કલારકની હાજીરામાં મુંબઈના કોર્ટમધે

તારીખ ૭મી અપરેલ સન ૧૮૫૭.

(A true Translation)

NARAYAN DINANATHJEE,
Acting Chief Translator.

Memorandum.

The undermentioned Maps are on SALE at the Chief Engineer's Office, for CASH :—

	Scale.	Price of each
Map of the Dharwar Collectorate,	4 miles to an inch.	
Ditto Sholapoor	ditto	
Ditto Rutnagherry	ditto	
Ditto Poona	ditto	
Ditto Ahmednuggur	ditto	
Ditto Sattara Territory	ditto	
Ditto Surat Collectorate	2 miles to an inch.	
Ditto Broach	ditto	
Ditto Malcolmpeth	500 feet to an inch.	
Ditto Matheran Hill,	one furlong to an inch.	
Ditto Kaira Collectorate	2 miles to an inch.	
Ditto City of Poona	300 feet to an inch.	
Ditto Peint State	2 miles to an inch.	
Ditto Roads in the Bombay Presidency	20 miles to an inch.	

Rs. a. p.
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on cloth.

CHARLES WADDINGTON,
Major General, Chief Engineer.

Bombay, Chief Engineer's Office,
10th December 1855.

MILITARY**ARRIVALS AND DEPARTURES.**

1857

ARRIVALS.

- 8th April.—Lieutenant Thompson, 67th Bengal N. I., on medical certificate, from Mooltan.
" " Lieutenant W. Fane, 1st Punjaub Cavalry, on medical certificate, from Mooltan.
" " Captain W. Hallingall, 24th Regt. N. I., on leave, from Sattara.
9th " Assistant Surgeon W. J. Stuart, 25th Regt. N. I., on duty, from Sea.

9th April.—Lieutenant Colonel J. S. Ramsay, 11th Regt. N. I., on leave, from Deccan.

10th " Major H. Vincent, 10th Regt. N. I., on duty, from Nusseerabad.

" " Captain J. G. Moyle, 10th Regt. N. I., on duty, from Nusseerabad.

" " Captain F. Macgowan, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant H. H. James, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant T. W. W. Pierce, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant R. Burd, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant A. T. Reid, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant A. Durand, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant H. W. Harris, 10th Regt. N. I., on duty, from Nusseerabad.

" " Ensign E. M. V. James, 10th Regt. N. I., on duty, from Nusseerabad.

" " Assistant Surgeon C. Ross, 10th Regt. N. I., on duty, from Nusseerabad.

" " Lieutenant A. D. Mayne, Bengal Artillery, on leave, from Mahidpore.

" " Major F. W. Pollett, 25th Regt. N. I., on duty, from Sea.

" " Major G. H. Robertson, 25th Regt. N. I., on duty, from Sea.

" " Capt. E. Lowry, 25th Regt. N. I., on duty, from Sea.

" " Lieutenant A. B. Little, 25th Regt. N. I., on duty, from Sea.

" " Lieutenant E. A. H. Bacon, 25th Regt. N. I., on duty, from Sea.

" " Lieutenant C. Jameson, 25th Regt. N. I., on duty, from Sea.

" " Ensign J. F. Forbes, 25th Regt. N. I., on duty, from Sea.

" " Assistant Surgeon W. J. Stuart, 25th Regt. N. I., on duty, from Sea.

" " Assistant Surgeon J. J. Kearney, Artillery, on duty, from Deccan.

11th " Lieutenant C. J. De Lancey, 27th Regt. N. I., on duty, from Kolapore.

" " Captain W. F. Hunter, 2nd Cavalry, on duty, from Bushiro.

" " Lieutenant W. A. Kerr, Southern Muratha Horse, on duty, from Oolwa.

12th " Lieutenant F. Scrivener, Superintendent of Schools, on leave, from Persia.

13th " Lieutenant M. R. Haig, Revenue Survey, on leave, from Sattara.

" " Capt. J. McKenna, Artillery, on duty, from Bhooj.

" " Lieutenant E. J. Checkley, 19th Regt. N. I., on leave, from Malligaum.

1857 DEPARTURES.

7th April.—Captain C. Ponsonby, Staff, on duty, to Kurrachee.

" " Ensign E. G. P. Willoughby, 10th Regt. N. I., on duty, to Bushiro.

8th " Surgeon General J. Don, M.D., Medical Staff, on leave, to Mahabeshwur.

9th " Major E. Wray, Artillery, on duty, to Ahmedabad.

" " Captain C. W. Bannister, 2nd Cavalry, to rejoin, to Deesa.

" " Lieutenant R. J. Hotchkiss, 12th Regt. N. I., on duty, to Deesa.

11th " Lieutenant W. A. Kerr, Southern Muratha Horse, on duty, to Oolwa.

" " Major J. B. Woosnam, Artillery, on leave, to Matheran.

" " Captain Clifton, 12th Lancers, on duty, to Kirkee.

13th " Captain E. W. Lyons, Staff, on duty, to Poona.

" " Lieutenant F. R. Jardine, 5th Regt. N. L. I., on duty, to Poona.

" " Major F. W. Pollett, 25th Regt. N. I., on duty, to Poona.

13th April.—Captain E. Lowry, 25th Regt. N. I., on duty, to Poona.

" " Lieutenant A. B. Little, 25th Regt. N. I., on duty, to Poona.

" " Lieutenant E. A. H. Bacon, 25th Regt. N. I., on duty, to Poona.

" " Ensign J. F. Forbes, 25th Regt. N. I., on duty, to Poona.

" " Assistant Surgeon W. J. Stuart, 25th Regt. N. I., on duty, to Poona.

*Bombay, Town Major's Office,
15th April 1857.*

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	2s. 1½d. per Rupee.
" " 3 " "	" 1½d. "
" " 2 " "	" 1d. "
" " 1 " "	" 0½d. "
" " 1 day's sight	" 0½d. "
On Scotland on demand	2s. 0½d. "
On Ireland " "	" 0½d. "
Circular Notes " "	2s. 0½d. "
On Paris at 3 days' sight	" 0½d. "

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	¼ per cent.
On returning Government Paper out of safe custody	¼ per cent.
Hours of Business	10 to 4
Saturdays	10 to 1

Bombay, 15th 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 ¼ 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.	4 "
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 " "	" 0½d. "
" " 2 " "	" 0½d. "
" " 1 " "	" 0½d. "
" " 1 day's " "	" 0½d. "
Bills on Scotland at 30 days' " "	" 0½d. "
" " 1 day's " "	" 0½d. "
Bills on Ireland at 1 day's " "	" 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 realized 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, 15th 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.			MILITARY AND NAVAL.		
	One year.	Seven years.	Whole life.	One year.	Seven years.	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

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INCLUDING THE

ECCLESIASTICAL ESTABLISHMENT.

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BOMBAY EDUCATION SOCIETY'S PRESS, April 16th, 1857.

Post Office Notifications.

OVERLAND MAIL.

The Overland Mail, per P. & O. Company's Steamer "BOMBAY," 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 $\frac{1}{2}$ 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 "NORNA," will be closed on FRIDAY, the 17th instant, at 2 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.

Bombay Post Office, 15th April 1857.

W. BLOWERS,
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.

Bombay Post Office, 18th March 1857.

W. BLOWERS,
Deputy Post Master General.

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.
Bombay	P. & O. Steam Navigation Company ..	17th April	Suez	Aden.
Norna	Ditto ditto ..	17th "	China	Galle and the Straits.
Fearnought	Messrs. Edward Bates & Co.	17th "	} Bushire.	
British Flag	Ditto ditto ..	17th "		
Mystery	Messrs. Finlay, Scott, & Co.	17th "		
Louis Napoleon	" Vinay, Fils, & Co.	10th "	London.	Marseilles.

As a general rule, the Packets for sailing vessels will be closed the evening preceeding 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.
Dwarka	9th April	Surat.
Phlox	13th "	Do.

Bombay Post Office, 15th April 1857.

W. BLOWERS,
Deputy Post Master General.

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 :—

	<i>Viâ Marseilles.</i>	<i>Viâ Southampton.</i>
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.

Bombay Post Office, 31st March 1857.

W. BLOWERS,
Deputy Post Master General.

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 27th of each month, are expected to reach Galle on the 14th, Melbourne and Sydney on the 5th 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 $\frac{1}{2}$ an ounce	4 annas.
Exceeding $\frac{1}{2}$ 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.

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

E. IMPEY,
Post Master General.

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.
	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>
Not exceeding $\frac{1}{4}$ of an ounce	0 4 0	0 2 0	0 6 0
Ditto $\frac{1}{2}$ of an ounce	0 4 0	0 4 0	0 8 0
Ditto $\frac{3}{4}$ 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.

29th January 1857.

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

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

E. IMPEY,
Post Master General.

NOTICE.

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

Bombay Post Office, 7th April 1857.

W. BLOWERS,
Deputy Post Master General.

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 $\frac{1}{2}$ ounce..... 4 annas.
On a Newspaper 9 pies.

Bombay Post Office, 30th March 1857.

W. BLOWERS,
Deputy Post Master General.

NOTICE.

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

Bombay Post Office, 25th March 1857.

W. BLOWERS,
Deputy Post Master General.

NOTICE.

ONE ANNA STAMPED ENVELOPES are for SALE at this Office.

Bombay Post Office, 18th February 1857.

W. BLOWERS,
Deputy Post Master General.

NOTICE.

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

Madras Post Master General's Office, 28th November 1856.

(Signed) R. H. WILLIAMSON,
Post Master General.

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

E. IMPEY,
Post Master General.

NOTICE.

It is notified for general information, that under instructions from the Director General of the Post Office in India, the Uniform of the Post Office Delivery Peons throughout the Bombay Presidency is to be green Chupkun, Red Turban and Kumberbund, and Black Leather Belt with round Badge; each Peon will also be supplied with a Bell.

2. The particular attention of the Public is requested to the following Clauses of the Post Office Rules, passed by the Governor General of India in Council :—

Clause XVII.—The Delivery Peons are prohibited from going out of their usual course to deliver. Immediate payment of Postage Letters, Papers, or Parcels, and from delivering them without immediate payment of the exact amount of Postage, and they are not bound to give change. Should they be subject to detention, they are not to deliver the Letters, Papers, or Parcels, but to return them in the evening to the Post Office for delivery the following day.

Clause XVIII.—Whatever Postage is marked on a Letter, Paper, or Parcel, must be paid at once on delivery, after which any complaints of overcharge will be duly attended to. In all complaints of overcharge, or unnecessary delay in delivering Letters, Papers, or Parcels, the covers or envelopes bearing the Post Office Stamp must be presented for inspection; and when any complaints are preferred against any Peon, the number on his Badge should be specified.

Clause XXIII.—The servants at the several Post Offices are prohibited from giving change to parties sending or receiving Letters in any case.

To facilitate the delivery of Service and Paid Letters and Papers, when there may not happen to be Unpaid Letters for individuals, the Post Master General begs to suggest the plan of having Letter Boxes affixed at suitable places in offices and private houses.

Bombay Post Master General's Office, 21st October 1856.

E. IMPEY,
Post Master General.



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 16TH 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.

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:—

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.

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.

1. The Courts for the trial of offences other than Criminal Courts 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.

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

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

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

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.

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

"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."

7. It shall rest with the Governor General in Council, upon the report of 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.

Exclusive jurisdiction as to certain offences.

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

2nd. 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.

3rd. 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.

4th. 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 janitor ;
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

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

Every jurymen;
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.

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.

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.

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

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.

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.

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.

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.

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.

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.
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.

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.
2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.
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.
4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.
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.

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.

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.

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.

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.

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.

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.

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

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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.

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.

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.

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.

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 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.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and pun-

ished 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.

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.

19. Any offender who shall escape from any custody under 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.

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.

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.

22. In the preceding Articles, and any other Article of this Act where- ever 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.

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 I of this Act.

Chapter V.

OF THE WARRANT AND ITS EXECUTION.

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

Warrant to bear the name of grantor.

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.

executed by any one of them.

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

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.

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.

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.

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.

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.

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.

Where a warrant of a magistrate must be executed.

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.

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.

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.

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

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

Darogha how to proceed in such cases.

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.

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.

Where a warrant of a police officer must 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.

When a warrant of arrest may be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of

Warrant how to be executed.

the person to be arrested, unless there be a submission to the custody by words or actions.

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

No unnecessary restraint.

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 purpose to act under the 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.

Notification of substance of 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.

Taking and refusing to give up a warrant.

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.

Resisting an endeavour to arrest.

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.

Breaking of outer door or window.

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

Officer, &c. breaking out to liberate himself.

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.

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 of inner door or window.

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 zenamah 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 zenamah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenamah, and execute the process entrusted to him, giving notice at the same time to any women in the zenamah that they are at liberty to withdraw.

Breaking open a zenamah or female apartment.

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.

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

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.

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

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.

Or as soon as practicable.

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

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

5. Whenever a darogha shall consider that the production of any thing or things will be essential to the conduct of an

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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.

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.

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.

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.

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.

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.

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.

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 place, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

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.

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

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.

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.

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

When the darogha may issue his warrant.

May issue summons instead of warrant.

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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.

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.

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.

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.

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.

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 darogas, 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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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.

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.

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 immovable 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.

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 sum-

mons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

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.

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.

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.

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.

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.

13. The evidence of each witness shall be taken down in writing, by or in the presence of the magistrate, 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking 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.

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.

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.

27. It shall be competent to the Sudder Court

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

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.

28. Where any person shall appear or be

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

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

When may be taken.

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.

29. Where any person shall appear or be

When bail shall be taken.

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.

30. Where a magistrate shall admit any person

Recognisance of accused and sureties.

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.

31. If, through mistake or fraud, insufficient

Insufficient bail.

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.

32. If the accused cannot presently find

Bail may be taken any time before conviction.

sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

33. After the recognisances shall have been

Discharge on bail.

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.

34. Those who may have become bail for any

How persons who have bailed may discharge themselves.

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.

35. In such case it shall be competent to

New sureties.

such defendant to find new sureties.

36. Whenever, by reason of default of appear-

Proceedings to compel payment of penalty by accused.

ance 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.

37. Whenever, by reason of default of appear-

Proceedings to compel payment of penalty by sureties.

ance 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.

38. Every warrant of commitment shall be

Warrant of commitment how to be directed, &c.

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.

39. The warrant (which must be drawn up

Warrant, what to contain.

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.

40. The warrant of commitment shall be lodged

With whom to 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, When magistrate may adjourn the inquiry. 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.

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

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, What the charge is to contain. 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.

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 the Penal Code (c), and within the cognisance of the [style of the Court].

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

[Signature and seal of the magistrate.]

Where the magistrate tries the case, there must be substituted for (c), 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.

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII. of the Penal Code, and 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.

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.

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.

10. When it appears to the magistrate that the facts which can be established in evidence show a case within 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.

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

Forms of Charge.

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

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].

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].

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].

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].

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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

Attachment of property. 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 immovable 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. 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.

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.

Summons to a witness to attend and give evidence.

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.

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.

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.

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.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of

defendant, who may cross-examine.

the defendant, and the defendant shall be permitted to cross-examine them.

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.

How the evidence is to be recorded.

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.

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

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.

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.

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.

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

Magistrate how to proceed in case of confession.

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.

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

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.

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

Bail, and Warrant of Commitment.

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. Application of previous rules.

Adjournment.

24. The provisions of Chapter XIII. Article 41 shall be applicable to cases triable by the magistrate under the rules of this section. Application of previous rules.

Discharge of the Defendant.

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. When defendant to be discharged.

Charge, Plea, and Defence.

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 *prima 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.

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.

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 "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. Plea of "not guilty."

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. Evidence 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. Witnesses for the defence.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law. Conviction.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

11. If, upon the day appointed for the appearance of the defendant, or any day subsequent there-to 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.

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.

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.

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.

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 it, 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.

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.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Conviction.

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.

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.

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.

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

Mode of proceeding in cases beyond jurisdiction.

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.

5. Provided that nothing in the last preceding Article shall be held

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

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.

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

Personal recognisance to keep the peace in cases of conviction.

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.

2. In cases wherein it may appear necessary to require security for Security to keep the peace.

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.

3. It shall be lawful for the magistrates, or other

Personal recognisance without conviction.

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.

4. In cases wherein it may appear necessary to require security for Security without conviction.

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.

5. Whenever it shall appear to the magistrate

For one year.

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.

6. Whenever it shall appear to the magistrate

For more than one year.

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 required.

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 recognisance 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

1. The Governor General in Council may order that the trial of all offences by the Session Trials to be by jury.

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.

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.

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.

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.

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.

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.

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.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and Who are capable of serving as jurors and assessors.

[]

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.

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.

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.

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

How evidence is to be recorded.

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.

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.

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

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.

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.

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.

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.

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.

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.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with assessors.

sessors, 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.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of 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.

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.

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.

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.

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.

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.

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 be [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—

12th. 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].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

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.

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.

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.

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.

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.

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.

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.

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.

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.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars, 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.

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.

3. The Sudder Court, in any case tried by the Session Court, except

When in trials with assessors the judgment is not warranted by the evidence.

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.

4. The Sudder Court, in any case tried by Jury

Revision in Jury trials.

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.

5. The Sudder Court, in any case tried in the

In cases of sentence by Session Judge, which ought to have been referred.

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.

6. The Sudder Court may, whenever it thinks

General power of revision by the Sudder Court.

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.

1. There shall be no appeal from a judgment

No appeal in cases of acquittal passed by any Criminal Court.

2. An appeal shall lie in all cases of conviction

Appeal in 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.

3. Any person convicted by a judgment of any

Proceeding in appeals.

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.

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.

5. When a Magistrate or Judge of a Subordinate

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

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.

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.

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.

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.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

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.

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.

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 $\frac{1}{2}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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.
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.

Cumulative,
Clause 4.

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.... <i>Exception.</i> —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 per- sons 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.	
14	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
15	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.	
17	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.	
19	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Cri- minal 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	Abandoning 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.	Cumulative; Clause 3.
	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.	
	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 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 $\frac{1}{2}$ 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.

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE (continued).

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.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1	2	3	4	5	6
Clause.	Offence.	Whether Bailable or not.	By what Court Triable.	Penalty.	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.	
23	Delivering it as genuine, or as a Coin of a different description	Idem	Idem	Idem not exceeding 5 years, also fine.	
24	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.	
25	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
26	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.	
27	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.	
28	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.	
29	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.	
30	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.	
31	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.	
32	Sale of counterfeit Government Stamp	Idem	Idem	Idem not exceeding 7 years, also fine.	
33	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.	
34	Using as genuine a Government Stamp known to be counterfeit	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
35	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.	
36	Using a Government Stamp known to have been before used	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
37	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	Fraudulent 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.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

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.	
23	Delivering it as genuine, or as a Coin of a different description	Idem	Idem	Idem not exceeding 5 years, also fine.	
	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.	
24	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
	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	Fraudulent 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.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS *(continued).*

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. <i>Exception.</i> —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. If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
7	Abetment of suicide committed by a child, or insane, or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both. 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.
10	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
	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.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

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.	
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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 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 own 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.

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.

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.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS (continued).

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		

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 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.
3	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.
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W. MORGAN,
Clerk of the Council.



1620

SECOND SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 16TH 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.

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:—

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.

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.

Chapter II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

1. The Courts for the trial of offences other than Criminal Courts other than the Sudder Court. 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.

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

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

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

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.

5. Each Criminal Court is to be presided over by one or more Judges; Declaration on entering upon office. 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.

7. It shall rest with the Governor General in Council, upon the report of the Ministerial officers. 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.

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.

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.

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

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

2nd. 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.

3rd. 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.

4th. 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.

5th. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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

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.

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.

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.

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.

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.

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.

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.

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

Where an offence may be investigated and tried in

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.

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.

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.

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.

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.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and pun-

ished 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.

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.

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.

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.

21. Any person who shall commit any offence by forgery, or by using any 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.

22. In the preceding Articles, and any other Article of this Act where- Definition of certain terms. ever 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.

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.

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

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.

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

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.

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.

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.

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.

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.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate who granted it.

tion of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

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.

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.

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.

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.

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

Where a warrant of a police officer must 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.

When a warrant of arrest may 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.

Warrant how to be executed.

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

No unnecessary restraint.

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 purpose to act under the 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.

Notification of substance of 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.

Taking and refusing to give up a warrant.

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.

Resisting an endeavour to arrest.

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.

Breaking of outer door or window.

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

Officer, &c. breaking out to liberate himself.

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.

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 of inner door or window.

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 zenamah 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 zenamah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenamah, and execute the process entrusted to him, giving notice at the same time to any women in the zenamah that they are at liberty to withdraw.

Breaking open a zenamah or female apartment.

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.

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

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.

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

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.

Or as soon as practicable.

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

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

11. If the place ordered to be searched is a zenanah or female apartment, 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.

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.

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.

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

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.

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.

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

May issue summons instead of warrant.

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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.

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 shall issue summons.
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.

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.

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.

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

Police may pursue offenders into other jurisdictions.
9. The examination of witnesses 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

Chapter X.

OF CONTEMPTS, AND DISOBEDIENCE OF ORDERS.

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.

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.

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.

Ordinary powers of punishment not to be exceeded.

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.
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.

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.
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.
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.
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.

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.
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.
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.
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.

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.

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 immovable 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.

Proclamation for an absconding party.

Attachment of property.

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

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.

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.

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.

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.

Refusing to answer, may be committed to custody.

Examination of Parties and Evidence.

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.

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.

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

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

How the evidence is to be recorded.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking 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.

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.

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.

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.

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. 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.

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.

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.

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

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.

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.

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

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.

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.

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.

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.

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, When magistrate may 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.

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

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 defendant to be committed for trial. 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.

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.

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 Warrant of commitment. the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

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.

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.

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.

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.

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 the Penal Code (c), and within the cognisance of the [style of the Court].

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

[Signature and seal of the magistrate.]

Where the magistrate tries the case, there must be substituted for (c), 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.

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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 [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].

(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.

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.

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.

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.

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

Forms of Charge.

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

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].

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].

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].

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].

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.

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.

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.

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.

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.

Defendant may recall and cross-examine witnesses for 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.

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.

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.

Postponement of issue of process.

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.

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.

Magistrate may dispense with personal attendance of accused.

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.

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 immovable 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.

7. The magistrate shall ascertain from the

Summons to a witness to attend and give evidence.

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.

8. If any person so summoned shall neglect

If he do not obey the summons, then warrant.

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.

9. If the magistrate shall be satisfied, by evi-

In what cases warrant in the first instance.

dence 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.

10. If any witness shall refuse to answer such

Refusing to answer, may be committed to custody.

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.

11. When any such case as referred to in Ar-

Examination of the complainant and witnesses for the prosecution.

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.

12. The complainant and the witnesses for the

To be in presence of the

prosecution shall be examined in the presence of

defendant, who may cross-examine.

the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be

How the evidence is to be recorded.

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.

14. It shall not be competent to the magistrate

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

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.

15. Nothing contained in the last preceding

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

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.

16. It shall be at the discretion of the magis-

May summon necessary witnesses at any stage of the proceedings.

trate, 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.

17. It shall be at the discretion of the magis-

Examination of defendant.

trate 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.

18. If the defendant shall, of his own accord,

Magistrate how to proceed in case of confession.

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.

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

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.

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

Bail, and Warrant of Commitment.

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. Application of previous rules.

Adjournment.

24. The provisions of Chapter XIII. Article 41 shall be applicable to cases triable by the magistrate under the rules of this section. Application of previous rules.

Discharge of the Defendant.

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. When defendant to be discharged.

Charge, Plea, and Defence.

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 *prima 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.

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.

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 "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. Plea of "not guilty."

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. Evidence 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. Witnesses for the defence.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law. Conviction.

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

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.

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.

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.

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.

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.

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.

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.

7. It shall be lawful for the magistrate to direct that, before any Diet money for witnesses. 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.

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.

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.

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.

11. If, upon the day appointed for the appearance of the defendant, or any day subsequent there-to on which the case may

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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.

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.

Admission by defendant of truth of complaint.
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.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Conviction.

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.

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.

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.

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.

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.

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.

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.

2. In cases wherein it may appear necessary to require security for Security to keep the peace. 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.

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.

4. In cases wherein it may appear necessary to require security for Security without conviction. 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.

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.

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 required.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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the person required to furnish security, shall be stated.

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.

In default of security, party to be committed to prison.
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.

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.

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.

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.

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.

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.

How the jury is to be constituted.

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.

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.

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.

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.

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

How evidence is to be recorded.

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.

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.

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

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.

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.

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.

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.

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.

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.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with assessors.

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.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of 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.

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.

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.

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.

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.

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.

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—

12th. 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].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

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.

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.

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.

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.

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.

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.

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.

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.

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.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars, 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.

[]
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.

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

When in trials with assessors the judgment is not warranted by the evidence.

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.

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.

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.

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.

1. There shall be no appeal from a judgment
No appeal in cases of acquittal passed by any Criminal Court.

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.

3. Any person convicted by a judgment of any of the Criminal Courts of Proceeding in appeals. 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.

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.

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

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

direct the trial of the case by a Court of competent jurisdiction.

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.

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.

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.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

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.

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.

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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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.... <i>Exception.</i> —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	Abdonding 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.	Cumulative, Clause 3.
	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.	
	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 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 $\frac{1}{2}$ 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.

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE (*continued*).

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	Harbours 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 for 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.	Cumulative, Clause 40.
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.	
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.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

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	Idem 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.	
23	Delivering it as genuine, or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.	
	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.	
24	Delivering it as genuine or as a Coin of a different description	Idem	Idem	Idem not exceeding 10 years, also fine.	
	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	Fraudulent 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.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS *(continued)*.

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. <i>Exception.—Not to extend to any representation on or in any Temple, or on any car used for the conveyance of idols.</i>	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 3 years, 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.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

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.	
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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 own 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 descrip- tion 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 sub- ject 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 Crimi- nal 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.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS *(continued)*.

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		

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 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.
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W. MORGAN,
Clerk of the Council.



THIRD SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 16TH 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.

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:—

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.

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 or modified by this Act.

Chapter II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

1. The Courts for the trial of offences other than Criminal Courts 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.

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

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

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.

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.

5. Each Criminal Court is to be presided over by one or more Judges; Declaration on entering upon office. 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 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.

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.

Exclusive jurisdiction as to certain offences.

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

2nd. 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.

3rd. 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.

4th. 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.

5th. 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 Subordinate 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.

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.

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.

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.

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.

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

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.

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

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.

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.

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.

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.

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.

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.

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.

12. When a person or several persons shall be accused of the commission of any offence, by Where an offence may be investigated and tried in 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.

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.

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.

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.

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.

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.

18. Whosoever shall commit any offence by unlawfully receiving or 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.

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.

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.

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.

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.

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.

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

Warrant to bear the name of grantor.

2. Every such warrant shall be in writing ; shall be directed to some person or persons by name

Form of warrant.

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.

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 several persons jointly.

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.

To a head officer or nazir.

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.

Officers issuing a warrant may personally superintend its execution.

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.

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

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.

All persons bound to assist in certain cases.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction

Where a warrant of a magistrate must be executed.

tion of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

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 endorsed in another jurisdiction.

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.

Warrant to be endorsed may be sent by post.

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.

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

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

Head officer of police how to proceed in such cases.

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

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of police of the division in which such offence was committed.

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.
Where a warrant of a police officer must 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.
When a warrant of arrest may 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.
Warrant how to be executed.

17. After arrest, the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.
No unnecessary restraint.

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 purpose to act under the 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.
Notification of substance of 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.
Taking and refusing to give up a warrant.

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.
Resisting an endeavour to arrest.

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.
Breaking of outer door or window.

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.

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 of inner door or window.

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 execute 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 open a zenanah or female apartment.

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

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

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.
Or as soon as practicable.

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.

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

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.
On complaint, or finding with stolen goods.

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 proclaimed offender : hue and cry.

4. If a person liable to arrest 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.
A party liable to arrest concealing himself.

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.
Breach of the peace.

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.
Obstruction of a police officer in his duty.

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.
When it is not necessary to notify cause of arrest.

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.
Party arrested to be taken immediately before the proper authority.

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

Chapter VII.

OF ESCAPE AND RETAKING.

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

Chapter VIII.

OF SEARCH WARRANT.

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.
When grantable by a magistrate.

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.
How to be directed.

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

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

5. Whenever a head officer of police shall consider that the production of any thing or things will be essential to the conduct of
Search warrant when grantable by a head officer of police.

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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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

May issue summons instead of warrant.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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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.

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

Arrest on warrant endorsed by a magistrate of another district.

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.

6. If any person accused of an offence absconds

Proclamation for an absconding party.

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 ap-

pear, and deliver himself

Attachment of property. 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 immovable 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

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

proclamation, the property under attachment shall be at the disposal of the Government.

Summoning, &c. of Witnesses.

7. The magistrate shall ascertain from the

Summons to a witness to attend and give evidence.

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 sum-

mons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

8. If any person so summoned shall neglect or

refuse to appear at the time and place appointed by the summons, and no

If he do not obey the summons, then warrant. 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.

9. If the magistrate shall be satisfied, by evi-

dence 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.

10. If any person so summoned or brought

before a magistrate shall refuse to answer such

Refusing to answer, may be committed to custody. 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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

21. Any person attending, 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.

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.

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

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking 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.

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.

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

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

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

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

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

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

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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.

27. It shall be competent to the Sudder Court

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

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.

28. Where any person shall appear or be

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

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,

When may be taken.

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.

29. Where any person shall appear or be

When bail shall be taken.

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.

30. Where a magistrate shall admit any person

Recognisance of accused and sureties.

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.

31. If, through mistake or fraud, insufficient

Insufficient bail.

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.

32. If the accused cannot presently find

Bail may be taken any time before conviction.

sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

33. After the recognisances shall have been

Discharge on bail.

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.

34. Those who may have become bail for any

How persons who have bailed may discharge themselves.

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.

35. In such case it shall be competent to

New sureties.

such defendant to find new sureties.

36. Whenever, by reason of default of appear-

Proceedings to compel payment of penalty by accused.

ance of the party executing the personal recognisance, the magistrate shall be of opinion that proceed-

ings 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.

37. Whenever, by reason of default of appear-

Proceedings to compel payment of penalty by sureties.

ance 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.

38. Every warrant of commitment shall be

Warrant of commitment how to be directed, &c.

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.

39. The warrant (which must be drawn up

Warrant, what to contain.

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.

40. The warrant of commitment shall be lodg-

With whom to be lodged.

ed with the gaoler, if he be in the gaol; and if he

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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.

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.

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.

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.

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.

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.

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.

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.

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.

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 the Penal Code (c), and within the cognisance of the [style of the Court].

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

[Signature and seal of the magistrate.]

Where the magistrate tries the case, there must be substituted for (c), 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.

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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].

(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.

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.

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.

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.

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

Forms of Charge.

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

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].

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].

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].

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 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].

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.

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.

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.

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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.

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.

Defendant may recall and cross-examine witnesses for 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.

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.

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.

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

Magistrate may direct bail to be taken.

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.

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.

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

Arrest on warrant endorsed by a magistrate of another district.

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.

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.

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.

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.

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.

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.

11. When any such case as is 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.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of

defendant, who may cross-examine.

the defendant, and the defendant shall be permitted to cross-examine them.

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.

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.

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.

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.

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.

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

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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.

19. No influence, by means of any promise or threat, shall be used to induce disclosures.

No influence to be used to induce disclosures. any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

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.

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.

Defendant may be detained for any offence committed by him. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

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

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.

Application of previous rules. 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

24. The provisions of Chapter XIII. Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Application of previous rules. 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

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.

When defendant to be discharged. 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.

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 *prima 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.

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 *prima 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.

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.

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.

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.

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.

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

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

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,

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

11. If, upon the day appointed for the appearance of the defendant, or any day subsequent thereto on which the case may

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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.

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.

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.

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.

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.

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.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Conviction.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 required.

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.

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.

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.

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.

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.

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.

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 causes 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.

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.

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.

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.

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.

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

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the person required to furnish security, shall be stated.

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.

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.

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.

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.

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.

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.

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, 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.

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.

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.

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.

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.

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.

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

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deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

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.

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.

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.

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.

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.

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.

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.

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.

9. The examination of the defendant before the magistrate shall be given in 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 head or other officer of police, and by him reduced into writing.

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.

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.

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.

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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.

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

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.

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.

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.

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.

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.

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.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of as-

sessors, 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.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of 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.

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.

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.

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.

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.

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.

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 be [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—

12th. 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].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

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.

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.

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.

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.

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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.

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.

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.

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.

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.
2. 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.

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.

3. The Sudder Court, in any case tried by the Session Court, except

When in trials with assessors the judgment is not warranted by the evidence.

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.

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.

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

In cases of sentence by Session Judge, which ought to have been referred.

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.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial

General power of revision by the Sudder Court.

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.

1. There shall be no appeal from a judgment No appeal in cases of acquittal passed by any Criminal Court.

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.

3. Any person convicted by a judgment of any of the Criminal Courts of Proceeding in appeals.

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.

4. In any case appealed as above, except a case tried by jury, it shall Court of Appeal may direct further inquiry, &c. 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.

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

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

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.

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.

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.

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.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

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.

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.

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 ABETTERS.

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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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.... <i>Exception.</i> —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.	Cumulative, Clause 3.
	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.	
	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.	Cumulative, Clause 3.
	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.	
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 1.
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.	Cumulative, Clause 16.
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 $\frac{1}{2}$ 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.

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE (continued).

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.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (continued).

1	2	3	4	5	6
Clause.	Offence.	Whether Bailable or not.	By what Court Triable.	Penalty.	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	Fraudulent 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	Maliciously 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.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS *(continued)*.

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. <i>Exception.</i> —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.
10	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
	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.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

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.	
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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 own 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.

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 descrip- tion 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 sub- ject 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 Crimi- nal 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.

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.	Cumulative, Clause 71.
70	House-trespass.....	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	
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.	Cumulative, Clause 77.
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	
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.	Cumulative, Clause 81.
80	Lurking house-trespass or house-breaking by night.....	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	
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.	Cumulative, Clause 87.
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.....	
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.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS (continued).

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 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.
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W. MORGAN,
Clerk of the Council.



FOURTH SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 16TH 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.

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:—

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.

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.

1. The Courts for the trial of offences other than Criminal Courts 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.

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

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

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.

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.

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

"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."

7. It shall rest with the Governor in Council, upon the report of 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.

Exclusive jurisdiction as to certain offences.

2nd. 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.

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

Every head officer of police ;

document relating to the pecuniary interests of the Government.

Every jurymen;

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

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

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.

17. Judges of the 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

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.

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.

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.

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.

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.

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

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.

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

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.

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.

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.

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.

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.

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.

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.

12. When a person or several persons shall be accused of the commission of any offence, by which an offence may be investigated and tried in 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.

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.

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.

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.

16. Where any offence shall be committed on any person, or on or in respect of any property, during journey, &c. 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.

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.

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.

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.

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.

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.

22. In the preceding Articles, and any other Article of this Act where-ever 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.

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.

1. The warrant shall be in the name of the officer who grants it.
Warrant to bear the name of grantor.
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.
Form of warrant.
3. A warrant directed to several persons jointly and severally may be executed by any one of them.
Warrant to several persons, jointly and severally.
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 several persons jointly.
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.
To a head officer or nazir.
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.
Officers issuing a warrant may personally superintend its execution.
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.
Warrant directed to a person not an officer of police or nazir.
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.
All persons bound to assist in certain cases.
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.
Where a warrant of a magistrate must be executed.

tion of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

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 herein-after 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 endorsed in another jurisdiction.
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.
Warrant to be endorsed may be sent by post.
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.
Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.
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

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of police of the division in which such offence was committed.

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.

Where a warrant of a police officer must 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.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of

Warrant how to be executed.

the person to be arrested, unless there be a submission to the custody by words or actions.

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

No unnecessary restraint.

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 purpose to act under the 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.

Notification of substance of 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.

Taking and refusing to give up a warrant.

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.

Resisting an endeavour to arrest.

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.

Breaking of outer door or window.

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.

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 of inner door or window.

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 zenamah 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 zenamah; in which case, and if such person shall not deliver himself up, the police officer or other person authorised to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenamah, and execute the process entrusted to him, giving notice at the same time to any women in the zenamah that they are at liberty to withdraw.

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

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

Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

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.

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

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.

Or as soon as practicable.

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

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

5. Whenever a head officer of police shall consider that the production of any thing or things will be essential to the conduct of

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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.

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.

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.

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

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

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.

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.

When the search is to be made.

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 door.

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.

Breaking of a zenanah or female apartment.

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 place, 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.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found

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

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.

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

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.

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.

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

May issue summons instead of warrant.

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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.

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.

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 meantime 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

22. All processes in criminal cases cognisable by the police officers shall be served by the burkundaz at the police station, the parties or witnesses.

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.

Penalty for taking unauthorised cognisance of offences.

Magistrate may direct investigation at his discretion.

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.

How head officer of police is to proceed in regard to cases triable by the Subordinate Criminal Courts.

Chapter X.

OF CONTEMPTS, AND DISOBEDIENCE OF ORDERS.

1. When any 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.

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.

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.

Ordinary powers of punishment not to be exceeded.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

Arrest on warrant endorsed by a magistrate of another district.

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.

6. If any person accused of an offence absconds

Proclamation for an absconding party.

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

Attachment of property.

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 immovable 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

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

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.

Summoning, &c. of Witnesses.

7. The magistrate shall ascertain from the complainant, or otherwise,

Summons to a witness to attend and give evidence.

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 sum-

mons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

8. If any person so summoned shall neglect or

If he do not obey the summons, then warrant.

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.

9. If the magistrate shall be satisfied, by evidence before him, that it

In what cases warrant in the first instance.

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.

10. If any person so summoned or brought

Refusing to answer, may be committed to custody.

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.

11. When a case is brought before a magistrate

Examination of the complainant and witnesses for the prosecution.

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.

12. The complainant and the witnesses for the

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

prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be

How the evidence is to be recorded.

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.

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.

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.

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.

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.

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

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,

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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.

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.

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.

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.

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.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking 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.

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.

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

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

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

Defendant may be detained for any offence committed by him.

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

Discretionary with the magistrate to take evidence for the defence.

Witnesses for the defence.

Magistrate may tender a pardon in certain cases.

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

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

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.

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.

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

Bail.

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 accusations 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. 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.

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.

When bail shall be taken. 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.

Recognisance of accused and sureties. 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.

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

Bail may be taken any time before conviction. 33. After the recognisances shall have been duly entered into, the accused shall have appeared voluntarily, or shall

Discharge on bail. be brought before 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.

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.

How persons who have bailed may discharge themselves. 35. In such case it shall be competent to such defendant to find new sureties.

New sureties. 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 accused. 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.

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 of commitment how to be directed, &c. 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.

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

With whom to be lodged.

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, When magistrate may adjourn the inquiry. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 I Chapter VI. of Penal Code (c), and within the cognisance of the [style of the Court].

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

[Signature and seal of the magistrate.]

Where the magistrate tries the case, there must be substituted for (c), 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

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

(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]*.

(4.) That he has, being a public servant, directly accepted from a party, or 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].

(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].

(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].

(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]*.

(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].

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

(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].

(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].

(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.

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.

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.

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.

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

Forms of Charge.

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

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].

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].

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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].

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].

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.

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.

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

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.

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.

Defendant may recall and cross-examine witnesses for 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.

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.

Cases in which magistrate may issue a warrant.

Summons instead of warrant.

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.

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

Magistrate may direct bail to be taken.

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.

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.

Magistrate may dispense with personal attendance of accused.

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

Arrest on warrant endorsed by a magistrate of another district.

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.

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 immovable 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.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be ac-

Summons to a witness to attend and give evidence. wise, 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.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no

If he do not obey the summons, then warrant may be issued by the magistrate, or he may 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.

9. If the magistrate shall be satisfied, by evidence before him, that it

In what cases warrant in the first instance. *—* 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.

10. If any witness shall refuse to answer such

Refusing to answer, may be committed to custody. 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 meantime 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.

11. When any such case as referred to in Article 1 of this Chapter is

Examination of the complainant and witnesses for the prosecution.

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.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the

defendant, who may cross-examine.

the defendant, and the defendant shall be permitted to cross-examine them.

13. The evidence of each witness shall be

How the evidence is to be recorded.

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.

14. It shall not be competent to the magistrate

Magistrate not to receive written confession of guilt made to the police. any statement made by him to the head or other officer of police, and by him reduced into writing.

15. Nothing contained in the last preceding

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

16. It shall be at the discretion of the magis-

May summon necessary witnesses at any stage of the proceedings.

17. It shall be at the discretion of the magis-

Examination of defendant. — 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.

18. If the defendant shall, of his own accord,

Magistrate how to proceed in case of confession.

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.

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.

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.

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.

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.

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.

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.

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.

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 *prima 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.

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.

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.

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.

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.

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

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

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.

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.
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.

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.

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.

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.

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

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of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Summoning, &c. of Witnesses.

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.

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.

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.

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.

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.

11. If, upon the day appointed for the appearance of the defendant, or any day subsequent thereon on which the case may

Non-appearance of complainant.

[]

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.

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.

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.

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.

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.

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.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Conviction.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 required.

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.

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.

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.

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.

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.

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.

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 causes 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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, 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.

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.

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.

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.

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.

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.

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

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deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

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.

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.

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.

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.

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.

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.

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.

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.

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.

9. The examination of the defendant before the magistrate shall be given in 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 head or other officer of police, and by him reduced into writing.

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.

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.

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.

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

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.

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.

Of verdict of jury. 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.

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.

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.

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.

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.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with assessors.

sessors, 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.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of 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.

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.

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.

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.

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.

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.

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

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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—

12th. 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].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

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.

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.

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.

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.

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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.

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.

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.

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.

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.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars, 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.

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.

3. The Sudder Court, in any case tried by the Session Court, except

When in trials with assessors the judgment is not warranted by the evidence.

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.

4. The Sudder Court, in any case tried by Jury in the Session Court, in

Revision in Jury trials.

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.

5. The Sudder Court, in any case tried in the Session Court, in which,

In cases of sentence by Session Judge, which ought to have been referred.

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.

6. The Sudder Court may, whenever it thinks

General power of revision by the Sudder Court.

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.

1. There shall be no appeal from a judgment

No appeal in cases of acquittal. of acquittal passed by any Criminal Court.

2. An appeal shall lie in all cases of conviction

Appeal in 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.

3. Any person convicted by a judgment of any

Proceeding in appeals. of the Criminal Courts of original jurisdiction men-

tioned 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.

4. In any case appealed as above, except a

Court of Appeal may direct further inquiry, &c. 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.

5. When a Magistrate or Judge of a Subordi-

Court of Appeal, how to proceed in a case of conviction by an incompetent Court. nate 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.

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.

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.

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.

9. Except as provided in Chapter XXV. Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

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.

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.

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 23 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 ABETTERS.

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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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.	Cumulative, Clause 4.
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.	
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.... <i>Exception.—Not extended to harbour given by a wife to her husband.</i>	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.	Cumulative, Clause 3.
	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.	
	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 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 $\frac{1}{2}$ 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.

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE (*continued*).

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	Harbours 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.	
	<i>Exception.</i> —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	
36	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine	
	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.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1	2	3	4	5	6
Clause.	Offence.	Whether Bailable or not.	By what Court Triable.	Penalty.	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	Fraudulent 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.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DEGENCY, AND MORALS *(continued).*

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. <i>Exception.—Not to extend to any representation on or in any Temple, or on any car used for the conveyance of idols.</i>	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.
10	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.
	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.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY (*continued*).

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 descrip- tion 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 sub- ject 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 Crimi- nal 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	

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.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS *(continued)*.

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 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.
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W. MORGAN,
Clerk of the Council.



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

SATURDAY, 18TH APRIL 1857.

NOTIFICATION.

POLITICAL DEPARTMENT.

The Right Honorable the Governor in Council is pleased to publish, for general information, the following Return of Casualties on board the Honorable Company's Vessels of War at the Bombardment of Mohumra.

By order of the Right Honorable the Governor in Council,

H. L. ANDERSON,

Bombay Castle, 17th April 1857.

Secretary to Government.

A RETURN OF CASUALTIES sustained by the undermentioned Vessels of the PERSIAN GULF SQUADRON, at the Bombardment of the Forts defending Mohumra, on the 26th March 1857.

Vessels.	Names of Persons Killed or Wounded.	Station.	No.		Remarks.
			Killed.	Wounded.	
H. C. S. F. Feroze..	Charles Swander	Carpenter's			
		Crew.	1		Grape-Shot Wound on Head.
"	Babnac Sumnac	Lance Naique			
		7 Cy. 4 C.	1		Ball through right Hip.
"	John Pickard	A. B.		1	Right Arm fractured by Splinter.
"	Frank N. Pearl	Boy		1	Splinter Wound on Abdomen.
"	David Smith	A. B.		1	Musket-Shot through the lower part of the Clavicle.
H. C. S. F. Semiramis	A. Bishop.	Boy	1		By a round Shot.
"	W. H. Harris	Actg. Lieutenant..		1	Lacerated Wound of Thigh.
"	Jannac Yesnac	Private		1	Do. do.
"	P. J. Dinapsey.	Gunner		1	Gun-Shot Wound of right Temple.

Vessels.	Names of Persons Killed or Wounded.	Station.	No.		Remarks.
			Killed.	Wounded.	
H. C. S. Clive	William Flamings	Qr. Master	1	1	Splinter Wound in the Nose and left Eye.
H. C. S. V. Victoria.	James Herbert	Boy	1	1	Shot Wound.
"	Thomas Patterson	A. B.	1	1	Severely.
"	Cosmeo Dames DeSouza	G. R. St.	1	1	Slightly.
"	J. F. Burgess	Do.	1	1	Do.
H. C. S. F. Assaye..	Jonathan Seaman	Boy	1	1	Shot in Head.
"	Peter Pointer	A. B.	1	1	Flesh Wound in Chest by Musket-Ball.
"	Andrew Tuite	A. B.	1	1	Slight Graze in both Arms, Neck, and Back, by Musket-Ball.
"	James Allan	A. B.	1	1	Slight Graze in Neck and Arm by Musket-Ball.
"	William Lee	A. B.	1	1	Slight Graze on Side and Shoulder.
"	James Brown	Boy	1	1	Slight Graze on Neck.
"	Benjamin Pitt	A. B.	1	1	Contusion of Foot and Ankle.
"	J. W. Fauxhall	3rd C. Engineer..	1	1	Do. of Forehead by Splinter.
"	Ragnag Esnac	Havildar	1	1	Bruise on Ankle by a Cannon-Ball.
	Total..		5	18	

(Signed) J. W. YOUNG, Acting Commodore,
Commanding Persian Gulf Squadron.

H. C. S. F. Feroze, off Mohumra, 28th March 1857.

(True copy)

H. L. ANDERSON,
Secretary to Government.



THE
BOMBAY GOVERNMENT GAZETTE
EXTRAORDINARY.

Published by Authority.

SATURDAY, 18TH APRIL 1857.

NOTIFICATION.

POLITICAL DEPARTMENT.

The Right Honorable the Governor in Council is pleased to publish, for general information, the following Despatch, dated the 4th instant, from Lieutenant General Sir James Outram, K.C.B., Commanding the Persian Expeditionary Force, to the address of His Excellency Lieutenant General Sir H. Somerset, K.C.B. and K.H., Commander in Chief of the Bombay Army, reporting the particulars of a successful Expedition, undertaken, by order of Sir James Outram, against Ahwaz, situated up the Karoon river.

By order of the Right Honorable the Governor in Council,

H. L. ANDERSON,

Bombay Castle, 18th April 1857.

Secretary to Government.

From Lieutenant General Sir JAMES OUTRAM, K.C.B.,
Commanding Expeditionary Force,

To His Excellency Lieutenant General Sir H. SOMERSET, K.C.B. and K.H.,
Commander in Chief, Bombay.

Camp Mohumra, 4th April 1857.

SIR,—In my Despatch dated the 27th ultimo, I announced to your Excellency my intention of immediately despatching up the Karoon river, to Ahwaz, an armed Flotilla, being the only means I had of effecting a distant *reconnaissance*, owing to the total want of baggage cattle; but as the steamers had to be coaled, and seven days' provisions for the Troops

put on board, whilst all were busily engaged disembarking tents and stores from the transports, some little delay occurred, and it was not until the afternoon of the 29th that the party could be despatched.

2. The Flotilla I placed under the immediate Command of Captain Rennie, I. N., aided by Captain Kemball, Political Agent in Turkish Arabia, who zealously undertook the Political conduct of the Expedition. Captain Hunt, 78th Highlanders, commanded the Military Detachment; and Captain Wray, Deputy Quartermaster General, and Captain M. Green, my Military Secretary, accompanied the Expedition, for the purpose of reporting upon the country in the vicinity of Ahwaz.

My instructions to Captain Rennie were "to steam up to Ahwaz, and act with discretion, according to circumstances. Should the Persian Army have arrived, and apparently be prepared to make a determined stand, the party was to return, after effecting the *reconnaissance*; but in the event of the Enemy having proceeded beyond Ahwaz, or if they continued their flight on seeing our steamers (as I fully expected they would, under the impression that the Flotilla was the Advanced Guard of the British Army), it was my desire that the party should land, and destroy the Magazines and Stores which the Persians had collected."

3. By the annexed reports from Captains Rennie and Wray, which I have the honour to submit, your Excellency will learn how admirably my instructions have been carried out, and the complete success which has attended the energetic and judicious measures adopted by all concerned. Indeed, it is impossible to calculate upon the advantages which must ensue from the successful result of this Expedition, in the effect it will have upon the Arab tribes, who, in crowds, witnessed the extraordinary scene of a large army of 7,000 Infantry, with 5* or 6 Guns, and a host of Cavalry, precipitately retreating before a Detachment of 300 British Infantry, three small steamers, and three gun-boats.

* One or two Guns said to have joined them at Ahwaz.

4. I feel that I cannot sufficiently express to your Excellency the great obligation I am under to the several Officers and Men of the Expedition.

5. Captain Rennie, I. N., whose gallant conduct at the Bombardment of Mohumra I so recently recorded, has again earned my highest praise and warmest thanks for the able manner in which he has conducted the Expedition.

6. Captain Kemball, who on this, as on every occasion of difficulty and danger upon which I have required his services, has rendered me most valuable assistance, materially contributed to the success of the Expedition by his counsel and energy. Great praise is also due to Captain Hunt, 78th Highlanders, who so successfully carried out the Military operations; to Captain Wray, Deputy Quartermaster General, and Captain M. Green, my Military Secretary, for the part they so ably performed; and to all the Officers and Men employed in the Expedition. I have to thank them all, and beg to recommend those specially named to your Excellency's notice.

I have the honour to be, &c.

(Signed) J. OUTRAM, Lieutenant General,
Commanding Expeditionary Force.

From Acting Commodore J. RENNIE, I. N.,
Commanding Squadron in Persian Gulf,

To Lieutenant General Sir JAMES OUTRAM, K.C.B.,
Commanding Expeditionary Force.

Ahwaz, 3rd April 1857.

SIR,—It affords me much gratification to report the complete success that has attended the Expedition you did me the honour to place under my Command.

On arrival near Ahwaz, on the morning of the 1st instant, the Persian Army was observed posted on a strong position on the right bank of the river; and having reason to believe that whatever force there might be on the left bank did not amount to such a number as would entail serious risk to our Force, it was at once determined to carry Ahwaz.

Our arrangements for attack were speedily completed, and by 10-30 A. M. Captain Hunt, his advance flanked by the gun-boats, moved off with his gallant band of three hundred men, and, in one hour and a half from the time of the gun-boats opening fire, he was in possession of Ahwaz, and the Persian Army, consisting of six thousand Infantry, five Guns, and a cloud of Bukhtyari Horsemen, were in full retreat upon Dizful, leaving in our possession one gun (a brass 14-pr. field-piece), 154 stand of arms, 56 mules, 230 sheep, besides an enormous quantity of grain,—wheat and barley.

Captain Kemball requested me to remain at Ahwaz for two days, to afford him time to communicate with the Arab tribes, as also to ensure the impossibility of the defeated Persians returning to Ahwaz;—they retired so precipitately as to have been unable to carry with them means of subsistence for more than two days.

It would be presumption in me to offer a remark on the gallantry and zeal of those serving with me; I shall therefore merely take the liberty of attaching a Nominal List of the Officers, with the number of Men under their Command, composing an Expedition that penetrated over one hundred miles beyond Mohumra, and which in so short a time compelled the Persian Army to abandon a depôt of provisions on which it almost entirely depended for subsistence.

In conclusion, I beg to add that it is to Captain Kemball who planned, and to Captain Hunt who executed, this bold stroke, that thanks are more especially due. Further comments from me are unnecessary.

I have the honour to be, &c.

(Signed) J. RENNIE, Commander I. N.,

Acting Commodore, Commanding Squadron Persian Gulf.

NOMINAL ROLL OF OFFICERS AND MEN comprising the EXPEDITION TO AHWAZ under Commander JAMES RENNIE, I. N., Acting Commodore Persian Gulf Squadron, Commanding the Expedition.

Lieutenants Crockett, May, and Tozer, Naval Aides-de-Camp.

Armed Steamer "Comet."—Commander W. B. Selby, I. N.; Mr. Acting Master Holland; Mr. Acting 1st Class 2nd Master Salmon; Assistant Surgeon W. Wood, M.D.; 21 Seamen, and 16 Mussoolies.

River Steamer "Planet."—Mr. Acting Master Fletcher, in charge; Mr. Acting Master Keen; 6 Europeans, and 13 Lascars.

River Steamer "Assyria."—Mr. Acting Master Neale, in charge; Mr. Acting 1st Class 2nd Master Fivley; 5 Europeans, and 12 Natives.

No. 6 Gun-boat.—Lieutenant Edwards; Mr. Midshipman Burn, and 16 Seamen.

No. 5 Gun-boat.—Mr. Mate Hewitt; Mr. Midshipman D'Arcy, and 14 Seamen.

No. 9 Gun-boat.—Lieutenant Lake; Mr. Midshipman Finnis, and 14 Seamen.

"Falkland's" Cutter.—Mr. Midshipman Law, and 11 Men.

"Feroze's" Cutter.—Mr. Midshipman Booth, and 11 Men.

"Assaye's" Cutter.—Mr. Midshipman Scamp, and 9 Men; Assistant Surgeon Asher, in medical charge of Gun-boats and Cutters from "Feroze"; Mr. Sims, 3rd Class Gunner, of "Feroze," temporarily attached for the Expedition to Steamer "Planet."

(Signed) W. B. SELBY, Commander I. N.,

Commanding "Comet," and Surveyor in Mesopotamia.

Ahwaz, River Karoon, 3rd April 1857.

NOMINAL ROLL OF POLITICAL AND STAFF OFFICERS present with the Detachment under Captain HUNT, 78th Highlanders, in the Advance upon Ahwaz, on the 1st April 1857.

Captain A. B. Kemball, Bombay Artillery, Resident in Turkish Arabia.

Lord Schomberg H. Kerr, attached to Persian Mission.

Captain J. Wray, Deputy Quartermaster General, Persian Field Force.

Captain Malcolm Green, Sind Horse.

Lieutenant Baigrie, Commissariat Department.

(Signed) J. WRAY, Captain,
Deputy Quartermaster General.

Ahwaz, 3rd April 1857.

NOMINAL ROLL OF OFFICERS OF DETACHMENT under the Command of Captain G. H. HUNT, 78th Highlanders.

H. M.'s 64th Regt.

78th Highlanders.

Captain W. Goode.

Lieutenant G. H. J. Haldane.

Ensign J. J. Pack.

Assistant Surgeon E. L. Lundy.

Captain G. H. Hunt.

Captain D. McAndrew.

Lieutenant A. Cassidy.

Lieutenant J. Finlay.

Lieutenant G. D. Barker.

Detachment consisting of 300 Men, being 150 from each of the above Regiments.

(Signed) G. H. HUNT, Captain, 78th Highlanders,
Commanding Detachment.

From Captain WRAY, Deputy Quartermaster General,
To Colonel LUGARD, C.B., Chief of the Staff.

Camp Mohumra, April 5th, 1857.

SIR,—According to the instructions received from you, I have the honour to forward the following report upon Ahwaz and the country in its vicinity, with a brief account of the Military operations of the Expedition.

Ahwaz is situated on the left bank of the Karoon river, at about 100 miles from its mouth. The town is in ruins, and not more than one-third of the houses appear to be occupied. There is no fort or defences of any kind, beyond an old ruinous stone wall round part of it. The inhabitants number about 1,200, chiefly Arabs of the Chaab tribes. Close to the town are two old broken-down bunds across the river, through which the water rushes with great rapidity. One of these is just opposite the town, the other considerably below it. These bunds are impassable for boats drawing more than a few feet water, and the strength of the current renders the passage of any boats a matter of great difficulty; indeed, we did not ascertain satisfactorily that boats could pass at all. The river is from 90 to 140 yards wide, and there are several low islands in the middle, covered with low tamarisk jungle. The banks of the river are generally high, and the water so deep that our small steamers could lie close alongside. The country on the town side of the river is a bare plain, with very slight patches of cultivation here and there, and on the south-east side of the town is a range of sandstone hills perfectly bare. The country on the opposite side of the river is much the same,—a barren plain without a tree,—and the most desolate-looking place imaginable. A few hundred yards above the bank is a ridge, which, when we approached Ahwaz, we found occupied by the Persian Army. The river passes round this point, rendering the position very strong; but at the same time a Force driven out of it by an Enemy attacking at A, and being

RECONNOITRING SKETCH

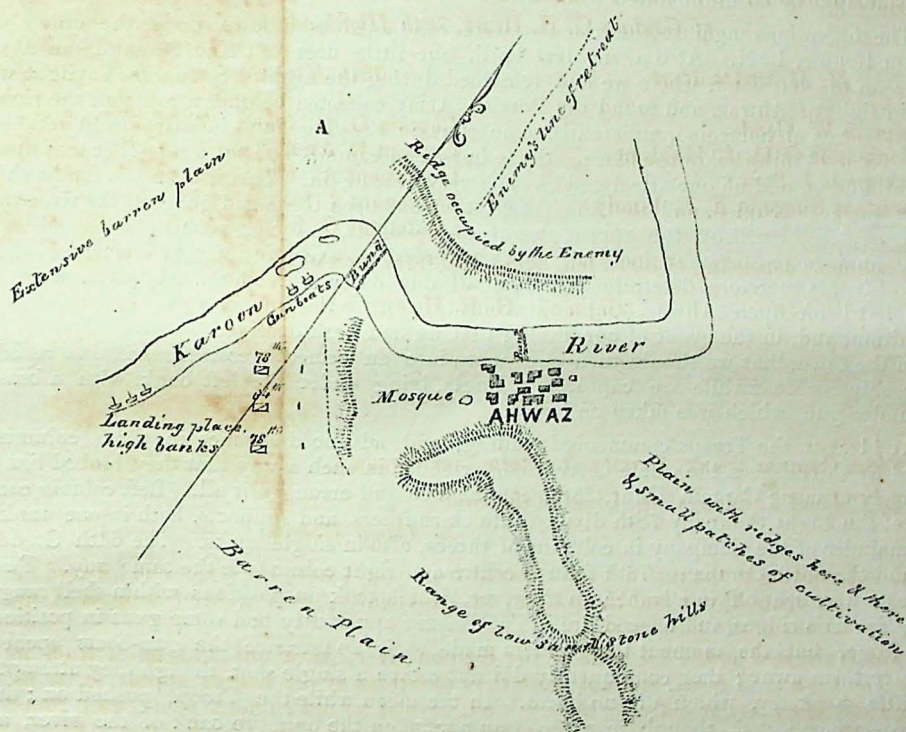
of the
Ground in the neighbourhood of

AHWAZ on the KAROON,

Showing also the position occupied by the Persian Army and the
advance of the British Detachment upon the Town,
April 1st 1857,

By

Captain J. Wray, Dep^t Q^r M^r General.



Scale of 4 Furlongs to an Inch.

Furl. 4 3 2 1 0 1 2 3 4 Furlongs

Ahwaz,
April 2nd 1857 }

(Signed) J. Wray, Captain,
Dep^t Q^r M^r General, P. H. Force.

obliged to embark and retire down the river in boats or small steamers, would be exposed to the fire of batteries or musketry from the river bank from any point which an active Enemy might select. The advantages of this site for a Cantonment for our Troops are, first, that our Commissariat and Stores, coming by land from Mohumra, could join our Camp without having to cross the river; second, the strength of the position.

It is impossible to form any idea of the healthiness of the place. There had been a good deal of rain when we were there, and the surface of the ground was very heavy; but there is no reason to suppose that Troops stationed here would be otherwise than healthy. At present the climate is very pleasant, the mornings delightful, and the days, though warm, quite bearable.

The Arabs furnished us with sheep in abundance, milk, ghee, &c.

The Karoon river has already been reported on by Captain Selby, and I found the Map drawn up by that Officer perfectly correct. The river is generally from 90 to 180 yards wide; a fine stream, with very rapid current; the banks for the first few miles after leaving Mohumra covered with date trees, afterwards with cypress or swamp poplar jungle for a hundred yards or so from the water's edge; the interior a barren desert. We passed a few Arab villages on the left bank at long intervals, and anchored for the night at two of them, to get supplies. Excepting here, we did not see a single soul the whole way. The country on the right side appears an uninhabited wilderness.

The operations against the Enemy were conducted as follows, under the orders of Captain Rennie, I. N. At 3 A. M., 1st April, our little fleet left Koo-Oomaira, an Arab village on the left bank, where we had remained during the night. Soon after daylight we came in sight of Ahwaz, and found the Persian Army collected behind a ridge on the right bank,—crowds of horsemen, apparently some guns on the ridge, and infantry innumerable. Anchored at $1\frac{1}{2}$ miles below the place. Some horsemen came down, but a rifle-shot sent them off at full gallop, and no one attempted to come very near again. Heard from the Arabs that Ahwaz was not occupied, and that the Troops that had been there had gone up the river the day before, frightened by the appearance of the steamers, and that nothing remained now but 30 horsemen; that they had no means of crossing, excepting by two boats and two canoes. It was therefore determined to land all our party (three hundred men), advance up the left bank upon Ahwaz, and endeavour to destroy the Enemy's depôt of guns and ammunition, and, in the event of our finding that we had been deceived, or that they were in force in the town, that we should turn once more into an armed *reconnaissance*, and return to our ships. Meanwhile we captured a Bugla, lying under the left bank, with a brass 12-pounder gun, which was taken on board.

At 11 A. M. the Troops commenced landing, and advanced at once in three columns, covered by skirmishers, the whole party being extended in such a way that they looked like a large body of men; Captain Hunt, 78th, commanded and arranged it all. Left column consisted of the Light Company 78th divided into skirmishers and supports, both in one rank; the remainder of the Company in columns of threes, also in single ranks. The 64th Grenadiers and the other Company 78th formed centre and right columns in the same way. Two gun-boats were sent off in advance up the river, which took up positions within shell range of the Enemy's ridges, and opened fire. The Enemy apparently had some guns in position on the ridge, but the moment the gunners made their appearance the gun-boats opened and drove them away; they consequently did not return a single shot, though they attempted a little musketry, which did no harm. In the mean while the Troops pushed on; the Persians still collected, though in reduced numbers, on the opposite bank of the river, at about 1,000 yards from us.

At 12 o'clock, the Troops approached the town, when the Arab Sheik came out, tendered submission, and informed our party that the Enemy were retreating, and with our glasses we saw a large army of 7,000 men, with a perfect swarm of Bukhtyaree horsemen, and 5 or 6 guns, retiring from a very strong position before a body of 300 Infantry, three small river steamers, and three gun-boats. The Enemy retired in tolerable order, covered by their horse, the Shalhada himself travelling in a green palanquin carriage, the wheel-marks of which we had seen in several encamping grounds on the river. The town was filled with flour, wheat, barley, &c.; 55 mules and a horse were also found, besides 14 boxes of new flint muskets, Tower mark, each containing ten. A party crossed the river, examined the Enemy's camp, and set fire to the remainder of their Magazines. The Arabs had plundered it before we arrived, and had carried off the powder, ball ammunition, and muskets, the cases of which we found; but the Enemy had left a great quantity of loose shot on the ground also, which could not be destroyed or carried away. Thus ended a very successful day. It was expected

that when our Troops reached the town the Enemy would open fire with their guns from the ridge on the opposite bank, but that we should be able to hold our ground under cover of the houses and walls until all the stores were destroyed or carried off; but in this little or no loss was anticipated; and as the Enemy were unable to cross the river, and it was known that they had never had more than 800 men in the town, there was no great risk incurred in the move. As it was, the Enemy commenced their retreat exactly one hour from the time the first shell was fired from the gun-boats.

(Signed) J. WRAY, Captain,
Deputy Quartermaster General P. F. F.

(True copies)

H. L. ANDERSON,
Secretary to Government.