

PETTY OFFENCES IN THE TOWN OF CALCUTTA
ACT, 1839

ACT NO. XXI. OF 1839

(Rep., Act 13 of 1856)

[26th August, 1839.]

Passed by the Hon'ble the President of the Council of India in Council, on the 26th August, 1839.

AN Act for the trial of prisoners charged with the commission of certain petty offences in the Town of Calcutta and on the River Hooghly.

I. Whereas it is expedient to make further provision in regard to such charges of felony as have been usually determined by Justices of the Peace, under the authority of the Bye-Laws for the Town of Calcutta; by preventing, as far as is consistent with the attainment of justice, any delay of trial, or inconvenience to prosecutors, witnesses and juryment; by limiting the powers heretofore exercised by such Justices; and by subjecting their proceeding upon convictions for felony to more regular control and revision: and whereas it is also expedient to provide the like remedy in cases of assaults committed in certain parts of the River Hooghly without the limits of the Town of Calcutta as hath been provided in cases of assaults committed within such limits:

It is, therefore, hereby enacted, that it shall not be lawful for any Justices of Justice of the Peace to sentence any person charged with the commission of any felony within the Town of Calcutta, or with the possession of stolen property within the same Town, by virtue of any Bye-Law for the Town of Calcutta, or by virtue of such Bye-Law and under Act IV. of 1835, or otherwise than according to the Provisions of this Act; and the Sixth Section of a certain Rule Ordinance and Regulation entitled a Rule Ordinance and Regulation for the good order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 26th day of July in the Year of Our Lord 1814, and Registered in the Supreme Court on the 11th day of November in the same year, is hereby repealed.

II. And it is hereby declared and enacted, that all persons charged with the commission of simple larceny within the Town of Calcutta may be tried by any Justice of the Peace for the said Town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed twenty rupees.

III. And it is hereby provided, that such Justice of the Peace shall not have power to sentence any such person to be imprisoned with or without hard labor for a longer period than six calendar months, or to be transported.

IV. And it is hereby provided, that it shall be lawful for any Justice of the Peace before whom any person is charged with the commission of any simple larceny, at his discretion, instead of trying such person himself, to commit such person for trial before Her Majesty's Supreme Court of Justice in Calcutta.

V. And it is hereby enacted, that every such Justice, after trying any offender charged with the commission of a simple larceny, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:

Be it remembered that on the _____ day of _____ in the Year of Our Lord _____ at Calcutta, A.B. is (acquitted, or convicted) before me J. P. a Justice of the Peace for the Town of Calcutta, on a charge of simple larceny, for that he the said A. B. did feloniously (here specify the alleged offence and the time and place when and where the same was committed, as the case may be) and I the said J.P.

believe the value of the property stolen to amount to a sum not exceeding twenty rupees, that is to say__ rupees, and I the said J.P. adjudge the said A. B. (here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be.)

Give under my hand, the day and year first above named.

(Signed) _____

VI And it is hereby enacted, that once at least in every Term, and oftener if required by Her Majesty's Supreme Court of Justice at Calcutta, every such Justice shall transmit to Her Majesty's said Supreme Court of Justice all judgments whether of acquittal or conviction passed by him, together with the depositions and examinations of the witnesses and prisoners, there to be kept by the proper officer among the records of the Court.

VII. And it is hereby enacted, that upon the trial of any prisoner for simple larceny as aforesaid, every such Justice of the Peace shall require the witnesses against and on behalf of the prisoner to be sworn, or to make solemn affirmation in cases where an affirmation is by law permitted in the place of an oath, and shall cause to depositions of the witnesses and the examination of the prisoner to be reduced into writing, and every such deposition and examination shall be signed by such Justice.

VIII. And it is hereby enacted, that upon the trial of any person charged with the commission of simple larceny before any such Justice of the Peace as aforesaid, if any person being duly summoned by such Justice shall refuse to attend as a witness, or to give evidence, he shall be liable to be punished by Her Majesty's Supreme Court of Justice at Calcutta in like manner as if he had refused to attend as a witness or to give evidence before Her Majesty's said Supreme Court of Justice.

IX. And it is hereby enacted, that upon any conviction for simple larceny as aforesaid, the Justice of the Peace before whom any person shall be so committed shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same a fine not exceeding twenty rupees, and in default or payment to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month unless the property be sooner restored.

X. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any Merchant Ship employed on Sea Voyages, in the River Hooghly, or the mouths thereof, being part of the Territories of the East India Company, may be tried before any such Justice of the Peace, and on conviction shall be liable to be punished by a fine not exceeding one hundred rupees, to be levied and enforced in manner provided by Act II. of 1839. And all the Provisions of this Act made in the case of charges of simple larceny shall, as far as they are applicable, be applied in the case of such charges of assault or battery as aforesaid.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of any Justice of the Peace through the means of the Writ of Certiorari.
