

PRISONER'S COUNSEL, ETC., SUPREME COURTS  
ACT, 1839

ACT No. XXII. OF 1839

(Rep., Act 10 of 1875)

[9th September, 1839.]

*Passed by the Hon'ble the President of the Council of India in Council, on the 9th September, 1839.*

AN Act for enabling persons charged with offences to make their defense more effectually.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company, the provisions of the Statute 6th and 7th William IV. Chapter CXIV:

It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's Courts of Justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majesty's Courts of Justice where Attorneys may practice as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace, exercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are and shall be admitted to make their full answer and defence and to have all witnesses examined and cross-examined by Counsel or Attorney.

III. And it is hereby enacted, that all persons who after the passing of this Act shall be held to bail, or committed to prison, for any offences against the law for which they are to be tried before any of Her Majesty's Courts of Justice shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison on payment of a reasonable sum for the same to be fixed by such Courts respectively. Provided always that if such demand shall not be made before the day appointed for the commencement of the Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses unless the Judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of Justice shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions or copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

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