

Pattidari Offences, Bombay Towns
ACT No. III OF 1841
(Rep., Act 16 of 1874)

*Passed by the Right Hon'ble the Governor General of India in Council,
on the 10th of May, 1841.*

An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. Whereas it is expedient to extend the jurisdiction conferred upon the Court of Petty Session in Bombay by Rule, Ordinance and Regulation II. of 1827, Article I. Title IV. and to give the power of summary conviction to single Magistrates of Police in certain cases ; It is hereby enacted, that all persons charged with the commission of Simple Larceny, or with receiving goods or property knowing the same to have been stolen within the Islands of Bombay and Colaba, and the Harbour of Bombay, may be tried summarily by the Court of Petty Sessions in Bombay, provided the value of the property the prisoner is charged with having stolen or received as aforesaid, does not, according to the belief of the said Court, exceed Twenty Rupees.

II. And it is hereby enacted, that the said Court of Petty Session shall not have power to sentence any such person to be imprisoned with or without hard labour for a longer period than twelve calendar months, or to be transported.

III. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions when any person is charged before them with either of the offences aforesaid, at its discretion, instead of trying such person, to commit for trial before Her Majesty's Supreme Court of Justice in Bombay.

IV. And it is hereby enacted, that it shall be lawful for a single Magistrate of Police in Bombay to exercise the power of summary conviction in all cases described in the following Rules, Ordinances, and Regulations ;-- provided that in case of Simple Larceny the value of the property the prisoner is charged with having stolen, does not, according to the belief of the said Magistrate, exceed Ten Rupees.

Rule, Ordinance and Regulation I. of 1814.

Articles I., II. and III. Of Title IV. of Rule, Ordinance and Regulation II. of 1827.

Title VI. of the same.

Title VIII. of the same.

Title IX. of the same.

Title X. of the same.

Articles III. and IV. of Title XI. of the same.

Such Police Magistrate to have full power of summoning to appear before him all persons whose presence is necessary to promote the purposes of justice, and to have the same power of apprehending and punishing any person so summoned under the same circumstances as the Court of Petty Sessions is empowered under Act XVIII., Rule, Ordinance and Regulation III. of 1815.

V. And it is hereby enacted, that the said Magistrate of Police shall not have power to sentence any person to be imprisoned with or without hard labor for a longer period than three calendar months.

VI. And it is hereby enacted, that it shall be lawful for the Magistrate of Police when any person I charged before him under this Act in his discretion either to try such person or to commit him for trial before the Court of Petty Sessions of Her Majesty's said Supreme Court of Justice.

VII. And it is hereby enacted, that the Magistrate of Police after trying any offender charged before him by virtue of this Act, 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 ____ before me ____Magistrate of Police in and for the said Town and Presidency, E. F. was duly convicted (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 Magistrate of Police believe the value of the Property stolen to amount to sum not exceeding Ten Rupees, that is to say, Rupees _____ and I adjudge the said E. F. (here state the punishment the prisoner is to suffer as the case may be.) Given under my hand the day and year first above named.

VIII. And it is hereby enacted, that upon any conviction for Simple Larceny or for receiving stolen goods, the authority before which such conviction shall have taken place 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 of 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.

IX. And it is hereby enacted, that Article I., Title XIV., and Article III., Title XV. of Rule, Ordinance and Regulation II. of 1827, are hereby repealed. And it is enacted, that whenever any offender is convicted of any second or repeated offence, it shall be lawful for the Court of Petty Session to award a double punishment. Provided always, that in no case corporal punishment extend beyond 24 lashes, or imprisonment beyond twelve months.

X. And it is hereby enacted, that all fines and penalties hereafter to be awarded by the Court of Petty Sessions or the Police Magistrates in Bombay, or either of them, under this Act or otherwise, shall be levied in the manner provided in Act II. of 18389.

XI. And it is hereby declared, that nothing in this Act Contained shall be construed to effect the remedy of any person aggrieved by the conviction of said Court of Petty Sessions or a Magistrate of Police through the means of the Writ of Certiorari.