

CRIMINAL APPEALS, BENGAL ACT, 1841

ACT No. XXXI. OF 1841

(Rep., Act 17 of 1862)

[20th December, 1841.]

Passed by the Right Hon'ble the Governor General of India in Council, On the 20th of December, 1841.

An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of Sentences and Orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning Criminal Appeals and revision of Sentences and Orders of Criminal Courts required to be amended;--

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the Criminal Courts in respect to appeals and revision of sentences of a Lower Court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminal trials, within the limitation prescribed by Sections VIII. and IX. Regulation IX. 1793, Section IV. Regulation XVI. 1795, and Sections VIII. and IX. Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by and Assistant to Magistrate, or by a Sudder Ameen, or by a Law Officer, or by any other Officer under a Magistrate empowered to try Criminal cases, there shall be permitted one appeal to the Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, within one month from the date of such Sentence or Order. And from every Sentence or Order in Criminal trials beyond the limitation prescribed by Sections VIII. and IX. Regulation IX. 1793, Section IV. Regulation XVI. 1795, and Sections VIII. and IX. Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by a Magistrate, Joint Magistrate, Assistant to a Magistrate vested with special Powers, or other Officer empowered to try Criminal cases, there shall be permitted within one month as aforesaid one appeal to the Sessions Judge. And from every Sentence or Order passed in Criminal trial by a Sessions Judge, there shall be permitted within three months one appeal to the Court of Nizamut Adawlut. And except as provided in the next Section of this Act the Sentences or Orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any Criminal trials of any Subordinate Court and to pass upon them such orders as may seem fit.

IV. Provided however, and it is hereby enacted, that it shall not be lawful for the Court of Nizamut Adawlut in cases so called for, or for any Criminal Court in Appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge and for a Magistrate, Joint Magistrate or Officer exercising the powers of 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 Court under the degree of the Nizamut Adawlut to alter any Sentence or Order of any Subordinate Court, except upon Appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass, inadequate to the guilt of the prisoner, any thing in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act No. XXIV. Of 1837, and other parts of the Bengal Code.
