

**Trials for State Offences**  
**ACT No. V. OF 1841.**  
**(Rep., Act 10 of 1872)**

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*Passed by the Right Hon'ble the Governor General of India in Council.*  
*on the 31<sup>st</sup> of May, 1841.*

An Act for the greater uniformity of the process upon Trials for State Offences, and the amendment of such process in certain cases.

I. Whereas it is expedient that the rules of process for the trials of state offences should be modified with a view to uniformity at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment ;--

It is hereby enacted, in modification of all Regulations and parts of Regulation of any Presidency to issue for state offences, that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the state.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the state by one or more Judges, together with such Law Officers as shall be required or without any such Officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before that Ordinary Courts ; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of conviction or acquittal of punishment, shall in every instance be reported with their proceedings to the highest Court of the East India Company for criminal matters of the Presidency, previous to carrying the same into execution ; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor General of India in Council, by the special orders which they may receive from the Executive Government, or from the special order which they may receive from the Executive Government, or from the highest Court of the East India Company for criminal matters in the Presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the judges, or law officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officers or Officers, shall be competent to form a Court, and proceed with the trial or trials, not provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officers or Officers, if any such provision shall be deemed necessary ; or if no such provision be made, the powers and proceedings of the said Courts shall be affected by the death or absence of such Judge or Judge, or Law Officers or Officers.

V. And it is hereby enacted, that the highest Courts of the East India Company for criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them ; except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being ; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

VI. And it is hereby enacted, that the Magistrates of the several Zillahs and Cities, where any person or person shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several Districts or Cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charges as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the Ordinary Courts, or before the Special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

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