

CRIMINAL LAW—FOREIGN STATES ACT 1849

ACT No. I. of 1849

(Rep., Act 11 of 1872)

[27th January, 1849.]

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

An Act to provide more effectually for the punishment of offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay orders have been made, from time to time, for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, It is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section VI. of Regulation I. and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829 and Regulation XII. of 1832, of the Madras Code; Section IV. of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said Territories, who shall be apprehended within the said Territories, or delivered into the custody of a Magistrate within the said Territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the Territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had had been committed within the British Territories.

III. The committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one if the established Courts Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

V. When the offence is charged to have been committed in the Territory of any Foreign Prince or State, administered by Officers acting under the authority the East India Company, in which Territory a Court, competent to try the person charged for the offence, is established by authority of the Governor General of India in Council, the Government may order such person to be conveyed in custody, out of the British Territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is hailed, the form of the bail bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require; and if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody, out of the British Territories, as aforesaid.

VIII. The word 'Government' as used in the third and following Sections of this Act, means the Governor or Governor or Governor in Council or other person or persons having Supreme executive authority in the Presidency or Place to which the committing Magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other or other person acting in the Civil ice of the East India Company, to whom the Governor General in Council shall have delegated authority to receive reports and give orders in cases within this Act.
