

ACT No. XXI. OF 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 1st April 1864).

*An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.*

Whereas it is expedient to empower the Magistrates of Police in Calcutta to punish summarily certain offences in addition to those which they are now empowered so to punish ; It is enacted as follows :—

I. Every case in which any person is charged before a Magistrate of Police in Calcutta with having within the limits of the said Town, or within the limits of the Port of Calcutta as those limits are or may hereafter be defined under Act XXII of 1855 (*for the regulation of Ports and Port-dues*), committed any offence under any of the provisions contained in Chapter XIV of the Indian Penal Code except Sections 280 and 281, may be heard and determined by such Magistrate in a summary way : and every such person shall on conviction by such Magistrate be punished in the manner provided by the Indian Penal Code for the punishment of the offence of which he shall be convicted. Provided that no Magistrate shall under this Act be competent to pass sentence in respect of any offence beyond the following limits, that is to say :— Imprisonment of either description not exceeding six months, or fine not exceeding two hundred Rupees, or both imprisonment and fine in cases in which both punishments are authorized by the Indian Penal Code. Provided also that the Magistrate may commit to the High Court for trial any such case which he may in his discretion think it proper so to commit.

II. Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure are hereby extended to and shall have operation within the town of Calcutta and within the limits of the Port of Calcutta defined as aforesaid, and the words “Magistrate” and “Magistrate of a District” as used in the said

Persons guilty of certain offences may be tried summarily by a Magistrate of Police.

Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure extended to Calcutta.

ACT No. XXI of 1864.

said Sections shall denote any Magistrate of Police in Calcutta who may be authorized in that behalf by the local Government.

III. Any Magistrate of Police in Calcutta authorized as aforesaid may without any complaint take cognizance of any offence which he has power to hear and dispose of in a summary manner, which may come to his knowledge, and he may issue a summons, or, in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Magistrate may take cognizance of offences without complaint made.

IV. Save as in this Act otherwise provided the procedure contained in Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*) as amended by Act XLVIII of 1860 (*to amend Act XIII of 1856*) shall be applicable to offences committed and charges made under this Act.

Procedure in such cases.

V. This Act shall come into operation on the first day of May 1864.

VI. This Act may by an order of the Governor in Council of Fort St. George, or of the Governor in Council of Bombay respectively, to be published in the Official Gazette, be extended to the Towns and Ports of Madras and Bombay, and when so extended by such order, shall take effect in the Town and Port to which the order shall relate from the date of the publication of such order. When so extended to either the Town and Port of Madras, or the Town and Port of Bombay, this Act shall in all respects apply to such Town and Port as if the name of such Town and Port had appeared in this Act wherever the name of Calcutta appears.

Act may be extended by Governors in Council of Madras and Bombay.

Commencement of Act.