

FINES BY MAGISTRATES ACT, 1839

ACT NO. II. OF 1839

(Rep., by Act 17 of 1862)

[4th February, 1839.]

Passed by the Hon'ble the President of the Council of India in Council, on the 4th February, 1839.

I. **It** is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the Provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate, and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months, where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any Magistrate with fine or imprisonment, or both, according to the Provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the Provisions of any Act heretofore passed or which hereafter shall be passed by the Governor General of India in Council, it shall be lawful for the Magistrate, and he is hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared and enacted, that in this Act and in all Acts heretofore passed by the Governor General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term "Magistrate" shall extend to all "Joint Magistrates," "Persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace."
