

ACT No. V OF 1858.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 29th January 1858.)

AN ACT for the punishment of certain offenders who have escaped from Jail,
and of persons who shall knowingly harbour such offenders.

WHEREAS, during the recent disturbances in the North-Western Provinces
and other parts of India, many Jails were broken open
and the prisoners who were then detained therein were
forcibly released, and many of such prisoners are now at large; and it is
expedient to provide for the apprehension of certain of such offenders: and
whereas it is also expedient to make better provision for the punishment of
persons convicted of or charged with the commission of heinous offences,
who shall hereafter escape from Jail; It is enacted as follows:—

Preamble.

I. Every person who since the 1st of May 1857 hath escaped from
Jail or other lawful custody whilst detained under sen-
tence of imprisonment for any of the crimes hereinafter
mentioned, and who being at large shall not within one
month from the passing of this Act surrender himself
to a Magistrate or Police Officer, and make true answer
to all such questions as shall be put to him by a Magistrate touching
the Jail or other custody from which he escaped and the cause for
which he was there detained; and every person who shall hereafter escape
from Jail or other lawful custody whilst detained under
sentence of imprisonment for any of the crimes herein-
after mentioned—shall upon conviction be sentenced to
transportation for life.

Punishment of offend-
ers who, having escap-
ed from Jail, shall not
surrender themselves
within one month from
the passing of this Act.

Punishment of offend-
ers who may hereafter
escape from Jail.

II. Every

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II. Every person who since the said 1st day of May 1857 hath escaped from Jail or lawful custody whilst detained under a committal for trial for any of the crimes hereinafter mentioned or under a charge of being guilty of such crime, and who shall not within one month after the passing of this Act surrender himself to a Magistrate or Police Officer, and make true answer to all such questions as shall be put to him by a Magistrate touching the Jail or other custody from which he escaped and the nature of the charge upon which he was detained; and every person who shall hereafter escape from Jail or other lawful custody whilst detained under such committal for trial or upon such charge as aforesaid—shall, upon conviction of the crime for which he was so committed for trial or in respect of which he was so charged, if not sentenced to the punishment of death, be liable to be transported for life.

Punishment of persons who, having escaped from custody whilst detained under committal for trial for certain crimes, shall not surrender themselves within one month from the passing of this Act.

Punishment of persons who may hereafter escape from custody while under committal for trial.

III. The following are the crimes referred to in Sections I and II, namely;—Rebellion, mutiny, desertion, murder, attempts to murder, thuggee, dacoity, robbery, belonging or having belonged to a gang of thugs or to a gang of dacoits or to a wandering gang associated for the purposes of theft or robbery, and all crimes against person or property attended with great personal violence.

Enumeration of crimes referred to in the preceding Sections.

IV. Whoever shall knowingly harbour or conceal, or assist in harbouring or concealing, any such convict or other person who shall have escaped as aforesaid, shall be liable to imprisonment with or without hard labor for any term not exceeding seven years, and shall also be liable to fine.

Punishment for knowingly harbouring or concealing offenders.

V. All proprietors of lands, and all farmers, agents, and other persons having the charge or management of lands, are hereby declared accountable for the early communication to the Magistrates and Police Officers of intelligence of the resort, to any place within the limits of the lands held or managed by them, of any person in respect of whom there shall be reasonable suspicion of his being such convict or prisoner who has escaped as aforesaid; and every proprietor or other person as aforesaid, who shall neglect to give such intelligence, shall be liable, on conviction before a Magistrate,

Liability of landholders to give early intelligence of the resort of escaped prisoners to their estates.

to

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to imprisonment for a term not exceeding six months, and to fine not exceeding two hundred Rupees commutable, if not paid, to imprisonment for a further term not exceeding six months.

VI. Any Magistrate or person exercising the full powers of a Magistrate, unless prohibited by order of the Executive Government, is hereby authorized, without reference to any other authority, to tender a pardon to any person who may have escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any crime or offence other than the crimes above-mentioned, on condition of his giving such information as may lead to the apprehension and conviction of one or more person or persons punishable under this Act. Such pardon may be tendered, as well in respect of the crime or offence for which the offender was detained, as of the offence of escaping from Jail.

Magistrates &c. authorized to tender pardon in certain cases.

VII. Offences under this Act, other than those provided for by Section V of this Act, may be tried by a Sessions Judge, or by a Special Commissioner appointed under Act XIV of 1857; and the sentence or judgment shall not be subject to appeal. Provided that nothing contained in this Section shall extend to the trial of a European British subject.

Jurisdiction.

