

ACT No. III OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 16th January 1860).

*An Act to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.*

WHEREAS it is expedient to empower Sessions Judges in the Presidency of Fort William in Bengal, to pass sentence in certain trials without reference to the Nizamut Adawlut; and whereas it is likewise expedient to remove the restriction now imposed by law upon Sessions Judges in regard to the minimum of punishment which they are competent to inflict in cases of perjury and certain cases of forgery described in Clause 2 Section IX Regulation XVII. 1817 : It is enacted as follows :—

I. Clause 3 Section VI and Clause 3 Section IX Regulation XVII. 1817 of the Bengal Code are hereby repealed ; and Section IX of the same Regulation, and Section IV Regulation VI. 1832 of the same Code, are hereby modified.

II. When a person is convicted of the crime of rape, if the circumstances of the case shall not appear to call for a more severe punishment than imprisonment for seven years with labor in irons, the Sessions Judge before whom the trial is held shall himself pass sentence.

III. When

ACT No. III of 1860.

III. When a person is convicted in a trial held under the provisions of Regulation VI. 1832, of a crime declared by a precedent of the Nizamut Adawlut to be a penal offence, if the circumstances of the case shall not appear to call for a more severe punishment than seven years' imprisonment with labor in irons, the Sessions Judge before whom the trial is held shall himself pass sentence. If, however, the crime of which the person has been convicted has not been declared to be a penal offence by a precedent of the Nizamut Adawlut, the Sessions Judge shall not proceed to pass sentence, but shall refer the case for the consideration of the Nizamut Adawlut, stating at length in the proceedings the opinion of the punchayet, assessors, or jury, and his own opinion, as to the crime proved and the nature and extent of the punishment which should be awarded.

IV. When a person is convicted of the crime of perjury or subornation of perjury or of forgery or of procuring forgery, as defined and made punishable by Regulations II. 1807 and XVII. 1817 of the Bengal Code, the Sessions Judge shall pass such sentence on the offender as he may consider adequate to the offence in reference to the particular circumstances of the case ; provided that he shall in no case exceed the limit of the powers vested in him by Clause 2 Section IX of the Regulation last mentioned.

V. If in any case coming under the provisions of this Act, the Sessions Judge shall consider the sentence which he is empowered to pass inadequate to the guilt of the prisoner, he shall refer the case, with his sentiments, for the sentence of the Nizamut Adawlut in conformity to Section VI Act XXXI of 1841, which is hereby declared applicable to such cases.