

ACT No. IV OF 1908.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 14th February, 1908.)

An Act further to amend the Coroners Act, 1871, and the Prisoners Act, 1900.

WHEREAS it is expedient further to amend the Coroners Act, 1871, and the Prisoners Act, 1900; It is hereby enacted as follows:—

1. This Act may be called the Coroners (Amendment) Act, 1908. Short title.

2. In section 9 of the said Act, for the word "buried" the words "disposed of" shall be substituted. Amendment of section 9, Act IV of 1871.

3. In section 11 of the said Act, for the words "where the first was insufficient" the words "where the Coroner considers it necessary or desirable in the interests of justice to take a further inquisition" shall be substituted. Amendment of section 11, Act IV of 1871.

4. To section 15 of the said Act the following shall be added, namely:— Addition of proviso to section 15, Act IV of 1871.

"Provided that the Coroner may, with the concurrence of a majority of the jury, dispense with a view of the body, if he is satisfied, from medical evidence or medical certificates, that no advantage would result from such viewing."

5. In section 17 of the said Act, for the words and figures "Act No. XV of 1869 (*to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them*)," the words and figures "Part IX of the Prisoners Act, 1900," shall be substituted. Amendment of section 17, Act IV of 1871.

6. After

Addition of
new section
18A to Act
IV of 1871.

6. After section 18 of the said Act the following shall be inserted, namely:—

Report of
Chemical
Examiner.

“18A. Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.”

V of 1898.

Addition to
section 21,
Act IV of
1871.

7. To section 21 of the said Act the following shall be added, namely:—

“and the whole, or such part thereof as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31.”

Substitution
of new
section 25,
Act IV of
1871.

8. For section 25 of the said Act the following shall be substituted, namely:—

Procedure
where death
is found
due to an
act amount-
ing to an
offence.

“25. When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in British India, the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the Commissioner of Police.”

Substitution
of new
section 26,
Act IV of
1871.

9. For section 26 of the said Act the following shall be substituted, namely:—

Power to
arrest and
commit for
trial.

“26. The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.”

Repeal of
section 27,
Act IV of
1871.

10. Section 27 of the said Act is hereby repealed.

11. In

11. In section 28 of the said Act, for the word "burial" the word "disposal" shall be substituted.

Amendment
of section 28,
Act IV of
1871.

12. In the Second Schedule of the said Act, for the words "on view of the body of A. B. then and there lying dead" the words "in the case of A. B. deceased" shall be substituted.

Amendment
of Second
Schedule
Act IV of
1871.

13. In section 11 of the Prisoners Act, 1900, for the words "Justice of the Peace or Coroner" the words "or Justice of the Peace" shall be substituted.

Amendment
of Act II
of 1900,
section 11.