

ACT No. IX OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th April, 1933.)

An Act to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.

WHEREAS it is expedient to supplement by legislation in the Indian Legislature the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Provincial Criminal Law Short title. Supplementing Act, 1933.

2. (1) An appeal shall lie to the High Court of Judicature Appeals. at Fort William in Bengal from—

- (a) any sentence passed by a Special Magistrate in any trial held under the Bengal Public Security Act, 1932, in the Presidency-town of Calcutta, and
- (b) any sentence of imprisonment for a term exceeding 4 years passed by a Special Magistrate in any trial under the said Act held outside the Presidency-town of Calcutta.

(2) An appeal under sub-section (1) shall be presented within thirty days from the date of the sentence, and shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code of Criminal Procedure, 1898, for the hearing of appeals.

3. Section 15 of the Bihar and Orissa Public Safety Act, 1933, section 29 of the Bombay Special (Emergency) Powers Act,

Effect of certain sections in provincial Acts.

Act,

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Price 1 anna or 1½d.]

Ben. Act XXII of 1932.
B. and O. Act I of 1933.
Bom. Act XVI of 1932.
U. P. Act XIV of 1932.
Pun. Act III of 1932.

Ben. Act XXII of 1932.

V of 1898.

B. and O. Act I of 1933.

Provincial Criminal Law Supplementing. [ACT IX OF 1933.]

Act, 1932, and section 14 of the United Provinces Special Powers Act, 1932, shall have effect as if these sections had been enacted by the Indian Legislature.

Bom. Act
XVI of 1932.
U. P. Act
XIV of 1932.

Jurisdiction
barred.

4. Except as provided in the Bengal Public Security Act, 1932, as supplemented by this Act, no proceeding or order purporting to be taken or made under the Bengal Public Security Act, 1932, shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under the said Act.

Ben. Act XXII
of 1932.

Ben. Act XXII
of 1932.

Bar of issue of
directions of
the nature of a
habeas corpus.

5. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, or committed to or detained in custody under the provisions of the Punjab Criminal Law (Amendment) Act, 1932.

V of 1898.

Punj. Act
III of 1932.

Certain powers
of High Court
not affected.

6. Nothing contained in this Act shall affect the powers of a High Court under section 107 of the Government of India Act.