

ENFORCEMENT OF THE ATTENDANCE OF WITNESS IN THE COURTS OF
THE MUNSIFS, WITHIN THE PRESIDENCY OF FORT WILLIAM ACT 1845

ACT No. XVII. OF 1845

(Rep., by Act 12 of 1873)

[16th August, 1845].

Passed by the Governor General of India in Council on the 16th of August, 1845.

AN Act for the better enforcement of the attendance of Witness in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. It is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that within the Territories subjects to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person and send the same to the Moonsiff within whose local jurisdiction such person is, who shall endorse such process and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said Territories all power now exercised by Zillah Judges for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts, shall from and after the passing of this Act, be exercised by Moonsiffs for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.
