

ACT No. XVII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd August 1856.)

AN ACT to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same.

WHEREAS by Act VII of 1854 certain provisions were made for the execution, in any part of the territories under the Government of the East India Company, of warrants of arrest issued by competent Officers in any other parts thereof, and whereas it is expedient that similar means should be provided for the execution as aforesaid of all other Criminal process issued as aforesaid: It is enacted as follows:—

Preamble.

I. Any Criminal process whatever, including summonses, subpoenas, and search warrants, as well as warrants of arrest, issued by any Magistrate having jurisdiction in any part of the territories under the Government of the East India Company, may be executed within the jurisdiction of any other Magistrate having jurisdiction in any part of the said territories, whether in the same Presidency or not, upon having a written authority under the hand and seal of the Magistrate within whose jurisdiction it may be executed, previously endorsed thereon. Provided that no summons or subpoena shall be issued by a Magistrate to compel the attendance of a defendant or witness from any place beyond the local limits of his jurisdiction, unless special grounds shall be proved to the satisfaction of the Magistrate in support of the application, which grounds shall be recorded before the summons or subpoena is issued.

All Criminal process may be executed in any part of India after having been endorsed by the Magistrate of the place where it is executed.

II. The Magistrate endorsing any process under this Act shall not be liable to any action or other proceeding in consequence of any illegality in the issuing of the process; but any Magistrate illegally or improperly issuing the same shall be liable for any act in pursuance of the endorsement, in the same manner and to the

Magistrate endorsing process not liable for illegality in the issuing thereof.

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the same extent only, as if the process had been executed within his own jurisdiction.

III. The provisions of Act VII of 1854 and of this Act do and shall extend and apply to any warrant or other process of any Magistrate having jurisdiction in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras, and Bombay respectively, which shall be executed within those limits. Provided that, if a Magistrate having jurisdiction within those limits shall object to endorse any warrant or other process on account of any apparent defect therein, or for any other cause, he shall refer such warrant or other process to a Judge of the Supreme Court, who shall deal therewith according to the provisions of Act XXIII of 1840.

Provisions of Act VII. 1854, and of this Act, applicable to process executed within limits of Supreme Courts.

Proviso.

IV. The word "Magistrate," as used in this Act, includes a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, and also a Justice of the Peace.

Interpretation.