

ACT No. VIII OF 1882.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 2nd March,
1882)

An Act to amend the Indian Penal Code.

FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

1. In the second clause of section 40 of the said Code, before the figure "109," the figures "64, 65, 66, 71" shall be inserted.

Amendment
of section 40,
clause 2, of
Indian Penal
Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely:—

Amendment
of section 64
of same Code.

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with fine only, in which the offender is sentenced to a fine."

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Amendment
of section 67
of same Code.

4. To section 71 of the said Code, the following clause shall be added:—

Addition to
section 71 of
same Code.

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the

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Penal Code Amendment. [ACT VIII, 1882.]

“the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.”

Amendment of section 73 of same Code.

5. In section 73 of the said Code, for the words “be less than a” the words “shall not exceed one” shall be substituted.

New Exception to section 214 of same Code.

6. In section 214 of the said Code, for the Exception, the following shall be substituted, namely:—

“*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.”

Amendment of section 309 of same Code.

7. In section 309 of the said Code, for the last seven words the words “or with fine or with both” shall be substituted.

Amendment of section 335 of same Code.

8. In section 335 of the said Code, before the word “causes” the word “voluntarily” shall be inserted.

Amendment of section 410 of same Code.

9. In section 410 of the said Code, after the words “designated as ‘stolen property’” the following words shall be inserted, namely:—“whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without British India”; and the words “offence of” shall be omitted.

Addition to section 435 of same Code.

10. In section 435 of the said Code, after the words “or upwards” the following words shall be inserted, namely:—

“or (where the property is agricultural produce) ten rupees or upwards.”

Local extent. Commencement.

11. This Act extends to the whole of British India; and shall come into force on the first day of January, 1883.