

ACT No. III OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th
February, 1891.)

An Act to amend the Indian Evidence Act,
1872, and the Code of Criminal Procedure,
1882.

I of 1872. WHEREAS it is expedient to amend the Indian
X of 1882. Evidence Act, 1872, and the Code of Criminal
Procedure, 1882; It is hereby enacted as follows:—

Indian Evidence Act, 1872.

I of 1872. 1. (1) For the *Explanation* to section 14 of the Indian Evidence Act, 1872, the following shall be substituted, namely:— Amendment
of section 14,
Act 1, 1872.

“*Explanation 1.*—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

“*Explanation 2.*—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact.”

(2) For *Illustration (b)* to the same section the following shall be substituted, namely:—

“(b) *A* is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, *A* was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that *A* had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant.”

2. In

Amendment
of section 15,
Act I, 1872.

2. In section 15 of the said Act, after the word "intentional," there shall be inserted the words "or done with a particular knowledge or intention,".

Addition to
section 26,
Act I, 1872.

3. To section 26 of the said Act the following shall be added, namely:—

"*Explanation.*—In this section 'Magistrate' does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George or in Burma or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882."

X of 1882.

Addition of
Explanation
to section 30,
Act I, 1872.

4. In section 30 of the said Act, immediately before the *Illustrations*, the following shall be inserted, namely:—

"*Explanation.*—'Offence' as used in this section includes the abetment of, or attempt to commit, the offence."

Addition to
section 43,
Act I, 1872.

5. To section 43 of the said Act, the following *Illustrations* shall be added, namely:—

"(e) *A* is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

"(f) *A* is tried for the murder of *B*. The fact that *B* prosecuted *A* for libel and that *A* was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution
of new sec-
tion for sec-
tion 54, Act
I, 1872.

6. For section 54 of the said Act the following shall be substituted, namely:—

Previous bad
character not
relevant, ex-
cept in reply.

"54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

"*Explanation 1.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

"*Explanation 2.*—A previous conviction is relevant as evidence of bad character."

7. In

7. In the *Explanation* to section 55, after the word "but" there shall be inserted the words and figures "except as provided in section 54".

Amendment of *Explanation* to section 55, Act I, 1872.

8. In section 86 of the said Act, for the words "resident in" the words "in or for" shall be substituted, and to the same section the following shall be added, namely:—

Amendment of, and addition to, section 86, Act 8

XXI of 1879.
X of 1882.

"An officer who, with respect to any territory or place not forming part of Her Majesty's dominions, is a Political Agent therefor, as defined in section 3 of the Foreign Jurisdiction and Extradition Act, 1879, and section 190 of the Code of Criminal Procedure, 1882, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place."

Code of Criminal Procedure, 1882.

X of 1882.

9. To section 310 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

Amendment of section 310, Act X, 1882.

I of 1872.

"Notwithstanding anything in this section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872."