

ACT No. III OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th February, 1895.)

An Act to amend the Indian Penal Code,
Act VI of 1864 and the Indian Post-office
Act, 1866.

WHEREAS it is expedient to amend the Indian Penal Code, Act VI of 1864 and the Indian Post-office Act, 1866; It is hereby enacted as follows:—

XLV of 1860.

XIV of 1866.

Indian Penal Code.

1. For section 182 of the Indian Penal Code the following shall be substituted; namely:—

XLV of 1860.

Substitution of new section for section 182, Act XLV, 1860.

False information, with intent to cause public servant to use his lawful power to the injury of another person.

“182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause or knowing it to be likely that he will thereby cause, such public servant—

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

“ Illustrations.

“(a) A informs a Magistrate that Z, a police-officer subordinate to such Magistrate, has been guilty of neglect of duty

or

or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

“(b) A falsely informs a public servant that Z has contraband salt in a secret place knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

“(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the Police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.”

2. To Chapter XII of the said Code the following shall be added, namely:—

Addition of section to Chapter XII, Act XLV, 1860. Prohibition of fictitious stamps.

“263A. (1) Whoever—

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(b) has in his possession, without lawful excuse, any fictitious stamp, or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

“(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and shall be forfeited.

“(3) In this section ‘fictitious stamp’ means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

“(4) In

"(4) In this section and also in sections 255 to 263, both inclusive, the word 'Government,' when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorised by law to administer executive government in any part of India, and also in any part of Her Majesty's dominions or in any foreign country."

Substitution of new section for section 294, Act XLV,

3. For section 294 of the said Code the following shall be substituted, namely:—

Obscene acts and songs.

"294. Whoever, to the annoyance of others,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

Addition of new section after section 477, Act XLV, 1860. Falsification of accounts.

4. After section 477 of the said Code the following shall be added, namely:—

"477A. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

"*Explanation.*—It shall be sufficient in any charge under this section to allege a general intent to defraud

without

without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed."

Act VI of 1864.

5. For sections 2, 3 and 4 of Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*) the following shall be substituted, namely:—

Substitution of new sections for sections 2, 3 and 4, Act VI, 1864.

"2. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code, that is to say:—

Offences punishable with whipping in lieu of other punishment prescribed by Penal Code.

Group A.

- (1) theft, as defined in section 378 of the said Code;
- (2) theft in a building, tent or vessel, as defined in section 380 of the said Code;
- (3) theft by a clerk or servant, as defined in section 381 of the said Code;
- (4) theft after preparation for causing death or hurt, as defined in section 382 of the said Code;

Group B.

- (5) extortion by threat, as defined in section 388 of the said Code;
- (6) putting a person in fear of accusation in order to commit extortion, as defined in section 389 of the said Code;

Group C.

- (7) dishonestly receiving stolen property, as defined in section 411 of the said Code;
- (8) dishonestly

- (8) dishonestly receiving property stolen in the commission of a dacoity, as defined in section 412 of the said Code;

Group D.

- (9) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;
- (10) lurking house-trespass by night or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

On second conviction of offence mentioned in section 2, whipping may be added to other punishment.

“3. Whoever, having been previously convicted of any one of the offences specified in the last preceding section, shall again be convicted of the same offence or of any offence included in the same Group of offences, may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence be liable under the Indian Penal Code.

XLV of 1860.

Offences punishable, in case of second conviction, with whipping in addition to other punishment.

“4. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, or of any offence included in the same Group of offences, may be punished with whipping in addition to any other punishment to which he may be liable under the Indian Penal Code, that is to say:—

XLV of 1860.

Group A.

- (1) giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code;
- (2) giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in section 194 of the said Code;
- (3) giving or fabricating false evidence with intent to procure conviction of an offence punishable

able with transportation or imprisonment, as defined in section 195 of the said Code ;

Group B.

- (4) falsely charging any person with having committed an unnatural offence, as defined in sections 211 and 377 of the said Code ;

Group C.

- (5) assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in section 354 of the said Code ;
(6) rape, as defined in section 375 of the said Code ;
(7) unnatural offences, as defined in section 377 of the said Code ;

Group D.

- (8) robbery or dacoity, as defined in sections 390 and 391 of the said Code ;
(9) attempting to commit robbery, as defined in section 393 of the said Code ;
(10) voluntarily causing hurt in committing robbery, as defined in section 394 of the said Code ;

Group E.

- (11) habitually receiving or dealing in stolen property, as defined in section 413 of the said Code ;

Group F.

- (12) forgery, as defined in section 463 of the said Code ;
(13) forgery of a document, as defined in section 466 of the said Code ;
(14) forgery of a document, as defined in section 467 of the said Code ;
(15) forgery

- (15) forgery for the purpose of cheating, as defined in section 468 of the said Code ;
- (16) forgery for the purpose of harming the reputation of any person, as defined in section 469 of the said Code ;

Group G.

- (17) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section ;
- (18) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section."

6. To section 5 of the same Act the following Explanation shall be added, namely :—

" *Explanation.*—In this section the expression 'juvenile offender' means an offender who in the opinion of the Court is under sixteen years of age, the decision of the Court on such matter being final and conclusive."

Indian Post-office Act, 1866.

7. After section 65 of the Indian Post-office Act, 1866, the following section shall be added, namely :—

"66. (1) When a letter or other article is received by post from any place beyond the limits of British India—

- (a) bearing a fictitious postage-stamp, that is to say, any facsimile or imitation or representation of any postage-stamp, or
- (b) purporting to be repaid with any postage-stamp which has been previously used to prepay any other letter or article,

the

Addition of Explanation to section 5, Act VI of 1864.

Addition of new section after section 65, Act XIV of 1866.

Powers of Post-office in case of articles bearing fictitious or previously used stamps.

the officer in charge of the post-office at which such letter or article is received shall send a notice to the addressee of such letter or article inviting him to attend, either in person or by agent, within a specified time at such post-office to receive delivery of such letter or article.

(2) If the addressee or his agent shall attend at the post-office within the time specified in such notice and shall consent to make known to the officer in charge of such office the name and address of the sender of such letter or article and to redeliver to such officer the portion of such letter or article which bears the address and the fictitious or previously used postage-stamp, or, if such letter or article is inseparable from such stamp, the entire letter or article, the same shall be delivered to the addressee or his agent.

(3) If the addressee or his agent shall fail to attend at the post-office within the time specified in such notice, or, having attended within such time, shall refuse to make known the name and address of the sender of the letter or article or to redeliver the article or portion thereof as required by sub-section (2), the same shall not be delivered to him, but shall be disposed of in such manner as may be directed by the Governor General in Council.

(4) For the purposes of this section 'postage-stamp' shall include any impressed, embossed or affixed stamp for denoting any rate or duty of postage of any part of Her Majesty's dominions or of any foreign country."