

Act No. XLII of 1949 RECEIVED ASSENT ON 15/7/49  
Repealed by Act 43 of 1952

[AS PASSED BY THE DOMINION LEGISLATURE.]

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BILL

further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Indian Penal Code (XLV of 1860) and the Code of Criminal Procedure, 1898 (V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949.

2. **Amendment of section 361, Act XLV of 1860.**—In section 361 of the Indian Penal Code (hereinafter referred to as the Penal Code), for the words "fourteen" and "sixteen" the words "sixteen" and "eighteen" shall respectively be substituted.

3. **Amendment of section 375, Act XLV of 1860.**—In section 375 of the Penal Code.—

(i) in clause *Fifthly*, for the word "fourteen" the word "sixteen" shall be substituted; and

(ii) in the *Exception*, for the word "thirteen" the word "fifteen" shall be substituted.

4. **Insertion of new section 198A in Act V of 1898.**—After section 198 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code), the following new section shall be inserted, namely:—

"198A. *Prosecution for offence of marital misbehaviour.*—No Court shall take cognizance of an offence under section 376 of the Indian Penal Code, where such offence consists of sexual intercourse by a man with his own wife the wife being under fifteen years of age,—

(i) if more than one year has elapsed from the date of the commission of the offence,

(ii) in the case of any marriage which has taken place before the Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949, came into force, if the wife was not under thirteen years of age on the date of the marriage."

5. **Amendment of section 552, Act V of 1898.**—In section 552 of the said Code, for the word "sixteen" the word "eighteen" shall be substituted.