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978-1-108-04615-2 - The Code of Criminal Procedure Relating to Procedure in the Criminal Courts of British India: With Notes Containing the Opinions Delivered by all the Superior Local Courts

H.T. Prinsep

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The Code of Criminal Procedure Relating to Procedure in the Criminal Courts of British India

Henry Thoby Prinsep (1792–1878), a colonial administrator who reached the highest rank in the East India Company and its successor, the Council of India, published this Code of Practice in 1866: the third edition of 1869, reissued here, was necessitated by new legislation in that year. (Prinsep's earlier work, *Origin of the Sikh Power in the Punjab*, is also reissued in this series.)

In the preface to this work, written as a guide for local magistrates and administrators, Prinsep states his intent to present, in a convenient form, all the rules of procedure in the criminal courts of British India. Each stage of the process is annotated with explanatory material, and case law and precedents are also cited where appropriate. Appendices contain further relevant legislation, such as rules on extradition and the conduct of the police. An index of cases cited and a general index are also provided.

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THE
CODE OF CRIMINAL PROCEDURE,

[ACT XXV. OF 1861, AND ACT VIII. OF 1869,]

AND OTHER LAWS AND RULES OF PRACTICE,

RELATING TO

PROCEDURE IN THE CRIMINAL COURTS OF BRITISH INDIA.

WITH NOTES,

CONTAINING THE

OPINIONS DELIVERED BY ALL THE SUPERIOR LOCAL COURTS.

BY

H. T. PRINSEP,

BENGAL CIVIL SERVICE.

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[More information](#)

PREFACE TO THE THIRD EDITION.



THE object of this work is to present, in a convenient form, all the Laws and Rules of Practice relating to Procedure in the Criminal Courts of British India which have emanated from the Legislature, the Highest Courts of Justice, or the Executive Government. The Code of Criminal Procedure (Act XXV. of 1861) naturally forms the bulk of this volume; but in an Appendix are given several Statutes and Acts of the Legislative Council of India, which are intimately connected with the subject, and are necessary for constant reference.

The passing of Act VIII. of 1869 has so much altered the Code of Criminal Procedure as to make the second edition of this work defective for purposes of reference, and it has therefore been thought advisable to publish a new edition, incorporating that Act, as well as the most recent judgments of the High Courts.

Under each Section have been entered abstracts from judgments or orders of the superior Courts. These have been obtained either from published reports or from Official records.

The judgments of the Calcutta High Court are taken from Sutherland's Weekly Reporter, which is generally quoted by the Courts, and the new Bengal Law Reports; but in the Index of Cases the corresponding report in the Revenue, Civil, and Criminal Reporter, published by Messrs. Wyman & Co., has also been entered. A few cases have also been taken from the earlier reports by Mr. W. Marshall. The cases decided by the Madras High Court are taken from the reports of Mr. Whitley Stokes, Mr. O'Sullivan, and Mr. J. M. C. Mills; those by the Bombay High Court from the reports by Mr. J. Dunbar, Mr. R. T. Reid, and Mr. Farran; those by the late Agra Sudder Court from reports pub-

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Frontmatter

[More information](#)

iv

PREFACE TO THE THIRD EDITION.

lished by that Court; while more recent decisions by the High Court given in the Addenda have been taken from the reports by Moonshee Hanooman Pershad and Lalla Lalitapershad.

The orders quoted, which have not been reported, have been obtained from official records, and have generally been referred to by their number and date.

The marginal references have been continued, as, it is believed, they have been found useful.

The present Edition is brought up to date.

Appendix B, relating to the trial of European British subjects, has been much enlarged; and an Index of cases and orders quoted, as well as an entirely new and copious general Index, have been added.

June 26th, 1869.

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H.T. Prinsep

Frontmatter

[More information](#)

CONTENTS.

THE CODE OF CRIMINAL PROCEDURE.

	<i>Page</i>
CHAPTER I.—Of Definitions	1
" II.—Of the Jurisdiction of Criminal Courts	4
" III.—Preliminary Rules	21
" IV.—Of the Summons	46
" V.—Of the Warrant and its Execution	53
" VI.—Of Arrest without Warrant	59
" VII.—Of Escaping and Re-taking	64
" VIII.—Of Search Warrant	65
" IX.—Preliminary Enquiry by the Police	72
" X.—Of Contempts and Disobedience of Orders	89
" XI.—Prosecutions in certain cases	91
" XII.—Of Preliminary Enquiry by the Magistrate in cases triable by the Court of Session	99
" XIII.—Of the Charge	131
" XIV.—Of cases triable by the Magistrate on which a Warrant on complaint may issue	140
" XV.—Of cases triable by the Magistrate on which a summons on complaint shall ordinarily issue	146
" XVI.—Of Enquiries and trials before the Subordinate Magis- trates	154
" XVII.—Place where Preliminary Investigations and Trials held, an open Court	158
" XVIII.—Of Recognizance and Security to keep the Peace	158
" XIX.—Security for Good Behaviour	165
" XX.—Of Local Nuisances	171
" XXI.—Of the Maintenance of Wives and Children	177
" XXII.—Of Disputes relating to the possession of land or the right of use of any land or water	178
" XXIII.—Of Juries and Assessors	182
" XXIV.—Of Subordinate Judges and Principal Sudder Ameens in the Presidency of Fort Saint George	195

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H.T. Prinsep

Frontmatter

[More information](#)

vi	CONTENTS.	<i>Page</i>
CHAPTER XXV.—Trials before the Court of Session		197
„ XXVI.—Finding, Judgment, and Sentence		213
„ XXVII.—Of Lunatics		231
„ XXVIII.—Sudder Court as a Court of Reference		239
„ XXIX.—Sudder Court as a Court of Revision		241
„ XXX.—Appeals		251
„ XXXI.—General Rules		267
Appendix of Forms		280
Schedule		283
CONTENTS of Appendices		347
APPENDIX A.—Miscellaneous Acts		349
„ B.—Laws and Rules of Practice relating to Trials and Preliminary Enquiries held by Magistrates and Justices of the Peace or High Courts in cases in which the accused person may be a European British subject		384
„ C.—Laws relating to offences committed in Foreign territories, and of Extradition		432
„ D.—Law and Rules relating to the Police		443

EXPLANATION OF ABBREVIATIONS.

1 B. L. R., 10	Vol. 1, Bengal Law Reports, page 10.
1 W. R., 1	Vol. 1, Weekly Reporter, page 1, <i>Criminal Rulings.</i>
1 W. R., 1 C. L.	Vol. 1, Weekly Reporter, page 1, <i>Criminal Letters.</i>
2 Madras, 9	Vol. 2, Madras High Court Reports, page 9.
3 Bombay, 15	Vol. 3, Bombay High Court Reports, page 15.
6 Agra, 40	Vol. 6, Reports of Sudder Court, Agra, page 40.
Calcutta High Court, 425, 1864	Order No. 425 of 1864.

N. B.—The names given are those of appellant convicts, or of complainants.

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[More information](#)

C O R R I G E N D U M.



IN Section 208, enacted by Act VIII. of 1869, for “Sections 179 to 183
(both inclusive),” *read* “Sections 188 to.192 (both inclusive).”

Gazette of India of 1869, page 871.