

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1272.

Dated 14th June 1895

INDEXED.

[Despatch Abstract.]

INDIAN PENAL CODE.

Communicating to Messrs. C. Venkatakrishna Mudaliar and W. Vijayaraghava Mudaliar
from the Government of India, stating that the Governor General in
Council does not consider it necessary to amend section 65 of the-----
in the manner proposed by the Madras Government in No. 296 of the 11th
February last.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Judicial Dept.
CURRENT NO. 2754.

P. 295/6: 11-2-95 mis
+ papers.

From, The Govt of India
Home Dept (Jud?)

Order
his

Communicated to Mr. Ryo C. Kinkata
- Krishna Mudaliar + Mr. Vijayarajava Mudaliar.

no. 810

Dated 27th May } 1895
Recd 30th June }
Recd 6th do }
Encl: 7 cc of the cl.

To

Mr. Ryo C. Kinkata Krishna Mudaliar: 1st Trade Manager, ...
Mr. Vijayarajava Mudaliar: 2nd ...

MR
15-6-95

note

Perhaps this letter maybe printed & sent
to all ...

Subject

Informing that the G. L. in C
does not consider it necessary
to amend Section 65 of the S. D. C
in the manner proposed by the Madras
Govt. in letter no. 296 of the 11th Feb/last.

MR
15-8-96

(W.O)

12/9/96

No. 810.

FROM

J. P. HEWETT, ESQ., C.I.E.,
Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Judicial.

CHIEF SECRETARY
3 JUN 1895
Simla, the 27th May 1895.

SIR,

I AM directed to acknowledge the receipt of your letter No. 296, dated the 11th February last, submitting, with the opinion of the Madras Government, a petition from the persons named in the margin, in which they make the following suggestions:—

- (1) that the words "whether with or without imprisonment" in clause 1, section 64 of the Indian Penal Code, should be expunged, inasmuch as the application of the clause was restricted by section 21 of Act X of 1886 to offences punishable with imprisonment and fine, as distinguished from offences punishable with imprisonment or fine; and
- (2) that the provisions of section 33 of the Criminal Procedure Code be embodied in the Penal Code with such verbal modifications as may appear necessary in the circumstances set forth in the petition. In your letter under reply it is pointed out that, in the opinion of the Governor in Council, the apparent flaw brought to notice by the petitioners will best be remedied by the omission of the last four words of section 65 of the Indian Penal Code, while it is added that, if this be done, there will be no need to consider the proposed transposal and amendment of section 33 of the Criminal Procedure Code.
2. In reply I am to say that the Government of India, as at present advised, are not disposed to think that there is a flaw in section 64 of the Indian Penal Code. It appears to the Governor General in Council that the offence punishable with fine or imprisonment is an offence punishable "with imprisonment as well as fine" within the meaning of the phrase as used in section 65 of the Code, and His Excellency in Council is therefore of opinion that sections 64 and 65 of the Code sufficiently provide for the case referred to in the petition submitted with your letter. In these circumstances the Governor General in Council does not consider it necessary to amend section 65 of the Indian Penal Code in the manner proposed by the Madras Government.
3. I am to add that the Governor General in Council concurs with the Government of Madras in thinking that it is not necessary to adopt the proposal to modify the provisions of section 33 of the Criminal Procedure Code and to embody them in the Penal Code.

Query? /
2
10.6

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewett.

Offg. Secretary to the Government of India.

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

A A A A A A A

N.B.

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

No.

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- (2) that the provisions of section 33 of the Criminal Procedure Code be embodied in the Penal Code with such verbal modifications as may appear necessary in the circumstances set forth in the petition. In your letter under reply it is pointed out that, in the opinion of the Governor in Council, the apparent flaw brought to notice by the petitioners will best be remedied by the omission of the last four words of section 65 of the Indian Penal Code, while it is added that, if this be done, there will be no need to consider the proposed transposal and amendment of section 33 of the Criminal Procedure Code.

2. In reply I am to say that the Government of India, as at present advised, are not disposed to think that there is a flaw in section 64 of the Indian Penal Code. It appears to the Governor General in Council that the offence punishable with fine or imprisonment is an offence punishable "with imprisonment as well as fine" within the meaning of the phrase as used in section 65 of the Code, and His Excellency in Council is therefore of opinion that sections 64 and 65 of the Code sufficiently provide for the case referred to in the petition submitted with your letter. In these circumstances the Governor General in Council does not consider it necessary to amend section 65 of the Indian Penal Code in the manner proposed by the Madras Government.

3. I am to add that the Governor General in Council concurs with the Government of Madras in thinking that it is not necessary to adopt the proposal to modify the provisions of section 33 of the Criminal Procedure Code and to embody them in the Penal Code.

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J. P. HEWETT,

Offg. Secretary to the Government of India.

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2. In reply to these circumstances the Government of India, as at present advised, consider it necessary to amend section 64 of the Indian Penal Code. The Council has decided to amend the section so that the offence punishable with imprisonment as well as fine.

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G. C. Press Simla

J. P. HEWETT

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