

29-3-06 ✓

20/11/14 ✓

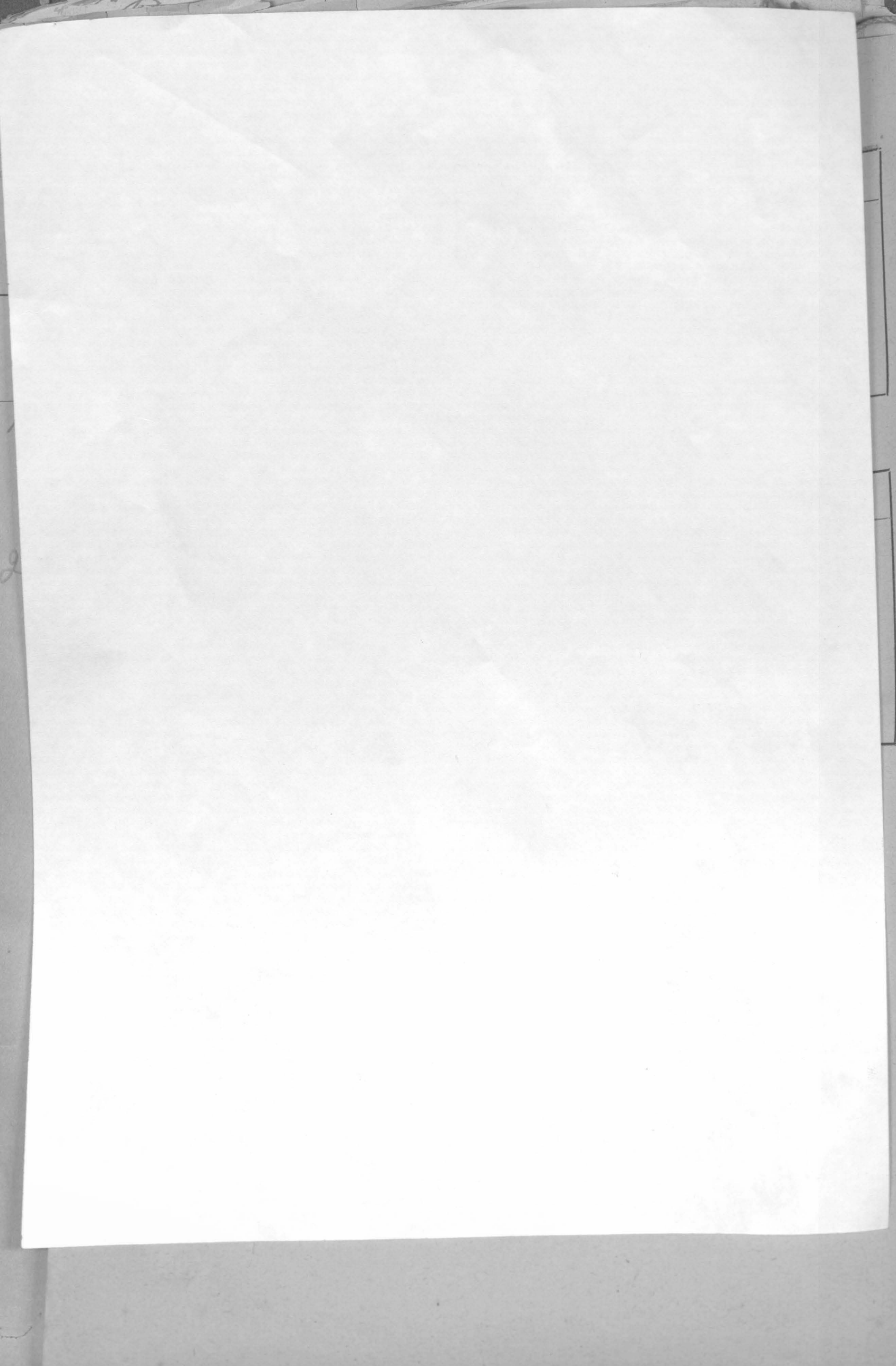
BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2979		6-12-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2754		1895				

Report that the Department
 of the Post & Telegraphs
 (General) (General)
 is a certain section of the
 Department of the Post & Telegraphs
 that is concerned with the
 forwarding of the 2nd class
 of mail to the
 of the Department of the Post & Telegraphs



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From
J. J. Speer & Co. Inc.
Hats and Caps

Box 10
New York

Received of
J. J. Speer & Co. Inc.
the sum of \$100.00
for the purchase of
Hats and Caps
on account of the
order of the
J. J. Speer & Co. Inc.
New York

Date

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Select Committee on the Bill to amend the Indian Penal Code, thus showing that a proposal to amend the Penal Code has already been before the Council and is now under consideration of a Select Committee.

2. I therefore request that agreeably to the order under reference, our suggestions may be forwarded to the Govt of India with such remarks as may commend themselves to His Excellency the Governor in Council.

I have the honor to be

Sir

Your most obedient Servant,

Walajunagar. } K. Vijayaragava Mudshai,
19 January 1905 } Dist. Judge, Madras.

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(In view)

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See in
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such modifications as will determine the law regulating the imposition of imprisonment in default of payment of fine in the case of offences "punishable with imprisonment or fine."

3 The two proposed amendments are intimately connected and must be discussed together. The contention raised is that § 64 contemplates three classes of offences viz.

(a) those punishable with imprisonment and fine.

(b) those punishable with imprisonment or fine.

(c) those punishable with fine only.

§ 64 lays down the general principle that imprisonment may be imposed in default of payment of fine in all of these cases. (a)

4. § 65 deals specially with class (a) prescribing that the imprisonment to be imposed in default of payment shall not exceed one fourth of the maximum term of imprisonment with which the offence can be punished.

5. § 66 deals specially with class (c) prescribing a special scale of imprisonment in default of payment of fine in cases where the offence is punishable with fine only.

6. There is however, no provision in the Penal Code for the second class of offences — (b) —. The reason for this probably is that the words "with imprisonment or fine" which follow the word "punishable" in the clause of § 64 were inserted

petitioners is one which has not ^{Cap.}
arisen in fact and therefore calls for no alteration in the law ^{of offences}
under the Penal Code. There seems to be
only one right that defined in §
254 which is punishable with
imprisonment or fine; the punish-
ments prescribed in all other cases
are either, "imprisonment and fine",
"fine only" or "imprisonment or fine or
both". The addition of "or both"
brings these offences under class (a).--
The expression "offences" used in §
64 however includes acts "punishable
under any special or local law"
(vide §40), and very probably there
are many offences under such
laws punishable with "imprisonment
or fine".

9. To return to the petitioners'
proposals:-

I The words "whether with or
without imprisonment" in
§64 do appear superfluous.
The only object in retaining
them is to prevent the
misinterpretation of the words
"in which the offender is
sentenced to a fine"; it is
by no means inconceivable
that

the powers of particular
magistrates and would be out
of place in the Penal Code.

2 With these remarks I am to
submit the petition and to say that
if the matter ^{is not to be dealt} ~~is not to be dealt~~
with in connection with the bill
therefore the Legislative Council
will no doubt be meted for
future disposal.

Shau D. C.
(from orders)

22/9/95

The Secy, Govt. of India, Home Dept.
with petition [under cover
of L.O. 2878
D.O. 2878]

1st. Last page altered to the effect of
adding thereby that the bill has become law

Amendment of
Indian Penal Code

S.

(from orders)