

Thursday, 4th October, 1860

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA

Vol. VI

(1860)

tate the commission of any offence punishable with death or transportation for life."

The Motion was carried, and after a similar amendment in the Illustration, the Section was passed.

Similar amendments were made in Sections 117 and 118.

Verbal amendments were made in Sections 119, 122, 152, 157, and 159.

The word "simple" was inserted before the word "imprisonment" in Sections 171 to 173.

Chiefly verbal amendments were made in Sections 177, 189, 191, 194 to 198, and 207.

The consideration of the Code having been postponed, the Council resumed its sitting.

POLICE.

THE CLERK reported to the Council that he had received from the Home Department certain papers relating to the Police in India.

SIR BARTLE FRERE moved that the above papers be printed.

Agreed to.

The Council adjourned at 6 o'clock, on the Motion of Sir Bartle Frere, till to-morrow, at 10 o'clock.

Thursday, October 4, 1860.

PRESENT :

The Hon'ble the Chief Justice, *Vice-President*,
in the Chair.

Hon'ble Sir H. B. E. Frere,	H. B. Harrington, Esq., and
Hon. C. Beadon,	C. J. Erskine, Esq.

PENAL CODE.

The Order of the Day being read for the adjourned recommittal of "The Indian Penal Code," the Council resolved itself into a Committee for the further consideration of the Code.

Verbal amendments were made in Sections 213, 219, 220, and 222.

Section 237 provided as follows:—

"Whoever having any counterfeit coin, which at the time when he became possessed of it, he knew to be counterfeit, delivers the

same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine."

THE CHAIRMAN moved the insertion of the words "fraudulently or with intent that fraud may be committed" between the words "counterfeit" and "delivers," and the omission of the words "shall be punished with imprisonment of either description, for a term which may extend to three years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine."

The Section, as proposed to be amended, was passed accordingly.

Similar amendments were made in Sections 238, 240, 241, 248 to 251, and verbal amendments in Sections 244 and 245, 253 to 261, 269, 270, 272, 290 and 298.

Section 306 was passed after the omission of the words "attempts to commit culpable homicide," and also of Illustration (b) as unnecessary and likely to mislead.

Verbal amendments were made in Sections 310, 344, 348, 352, 366, 378, 384, 401, 402, and 408; the heading "Of Dishonest Misappropriation of Property" being altered into "Of Criminal Misappropriation of Property."

Sections 419 to 421, under the heading "of Fraudulent Deeds and Dispositions of Property," severally provided that the offender "shall be punished with imprisonment of either description, for a term which may extend to three years, and shall also be liable to fine," and Section 422 under the same heading provided the same punishment, except that the term of imprisonment was fixed at two instead of three years.

After some verbal amendments—

THE CHAIRMAN moved an amendment which was carried, and which made the Sections severally conclude as follows :—

“ shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

The consideration of the Code having been postponed, the Council resumed its sitting.

The Council adjourned at half past 5 o'clock, on the Motion of Sir Bartle Frere, till to-morrow, at 1 o'clock.

Friday, October 5, 1860.

PRESENT :

The Hon'ble the Chief Justice, *Vice-President*,
in the Chair.

Hon'ble Sir H. B. E. Frere,	A. Sconce, Esq.,
	and
H. B. Harington, Esq.	C. J. Erskine, Esq.

PENAL CODE.

The Order of the Day being read for the adjourned recommittal of “ The Indian Penal Code,” the Council resolved itself into a Committee for the further consideration of the Code.

Chiefly verbal amendments were made in Sections 368, 423, 428, 429, 437, 441, 443, 461, 462, 465, 466, 470, 473, 483, 485, 486, 490, 491, and 499.

Section 464 (forging or using a forged document with intent to injure or deceive), was omitted as included in Section 470.

Section 493 (cohabitation caused by a woman deceitfully inducing a belief of lawful marriage), which was the converse of Section 492 (cohabitation caused by a man deceitfully inducing a like belief), was omitted as unnecessary.

Section 497 provided as follows :—

“ Whoever has sexual intercourse with the wife of another man without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.”

THE CHAIRMAN moved the insertion of the words “ a person who is and whom he knows or has reason to believe to be” after the words “ Whoever has sexual intercourse with” in the beginning of the Section.

Agreed to

THE CHAIRMAN moved the addition of the words “ In such case the wife shall not be punishable as an abettor.”

The Motion was carried, and the Section as amended then passed.

Section 498 provided as follows :—

“ Whoever by force or fraud takes away or entices a married woman from her husband, or from any person having the care of her on behalf of her husband, or conceals or detains any married woman with intent that she may have illicit intercourse with any person, shall be punished with imprisonment of either description, for a term which may extend to two years, or with fine, or with both.”

THE CHAIRMAN moved the omission of the above Section, and the substitution of the following :—

“ Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with such intent any such woman, shall be punished, &c.”

Agreed to.

MR. ERSKINE moved the introduction of the following new Section after Section 514 :—

“ Whoever circulates or publishes any statement, rumour or report which he knows to be false, with intent to cause any officer, soldier, or sailor in the army or navy of the Queen to mutiny, or with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the State or against the public tranquillity, shall be punished with imprisonment of either description, for a term which may extend to two years, or with fine, or with both.”

Agreed to.

Section 277 provided for the punishment of any person driving or riding