

Andhra Pradesh (Andhra Area) District Police (Amendment) Act, 1865

5 of 1865

[28 April 1865]

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Andhra Pradesh (Andhra Area) District Police (Amendment) Act, 1865

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An Act to amend Act XXIV of 1859.³ Whereas it is expedient to Amend Act XXIV of 1859⁴ by giving power to any Magistrate in any case in which he shall impose a fine under that Act, and, where such fine shall not be forthwith paid, to apprehend and to detain (sic) take security for the appearance of, any offender so fined and not forthwith paying his fine, until a return can be made to the Magistrate's warrant of distress; and whereas it is also expedient to lay down⁴ [* * *] the course of procedure to be followed when no sufficient distress can be had; It is hereby enacted:--

1. Short title, "The Madras District Police (Amendment) Act, 1865" was given by Central Act 11 of 1901. For that short title, this was Substituted by Andhra Pradesh Act IX of 1961, First Schedule. This Act has been extended, by notification under S. 5 of Central Act XIV of 1874, to the taluks of Bhadrachalam and Rakapilli in the Godavari District-- See Fort St. George Gazette, 1879, Pt. I, P. 722, and Gazette of India, pt. I, p. 630. This Act is in force in the Nagur Taluk of the East Godavari District by virtue of Central Regulation I of 1909, Section 2 (1).

2. Received the assent of the Governor on the 27th April, 1865, and of the Governor-General on the 28th April, 1865.

3. The Andhra Pradesh (Andhra Area) District Police Act, 1859 (Central Act XXIV of 1859), 4. The words "with respect to offenders who are and who are not British subjects respectively" were omitted by the A. O., (Amdt.) 1950.

1. Levy Of Forfeiture Or Penalties In Case Of Non-Payment :-

All forfeitures or penalties imposed under the authority of [Act XXIV of 1859]¹, for offences punishable by a magistrate may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of jurisdiction of the Magistrate of the district, by warrant under the hand of the magistrate who made the order.

1. The words "with respect to offenders who are and who are not British subjects respectively" were omitted by the A. O., (Amendment) 1950.

2. Offender May Be Detained Or Compelled To Give Security, If Fine, Etc., Be Not Forthwith Paid :-

In case any fine, forfeiture or penalty shall not be forthwith paid, the magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to the warrant of distress, unless the offender shall give security to the satisfaction of the magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

3. When Offender May Be Imprisoned :-

If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the magistrate, by the confession of the offender otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the magistrate, may, by warrant under his hand, commit the offender, 1[*****], to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term

not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

1. " Short title" the Madras District Police (Amendment) Act, 1865," was given by Central Act II of 1901. For that short title this was Schedules by Andhra Pradesh Act IX of 1961 First Schedule. This Act has been extended, by notification under See of Central Act XIV 1874 to the taluks of Bhadrachalam and Rakapilli in the Godavari District--Sec. 5 Fort George Gazette 1879 pt. Ip. 722 and Gazette of India pt. I p. 630.

This Act is in force in the Nagur Taluk of the East Godavari, District by virtue of Central Reg. I 1909 Section 2(1).

4. Section 4 :-

1[* * * *].

1. Received the assent of the Governor on the 27th April, 1865, and of the Governor-General on the 28th April, 1865.

5. Constitution :-

This Act shall be read with, and be taken to, be part of Act XXIV of 1859.1

1. The Andhra Pradesh (Andhra Area) District Police Act, 1859 (Central Act XXIV of 1859).