

PUNJAB COURTS ACT, 1918

6 of 1918

[12th July, 1918]

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SCHEDULE 1 :- SCHEDULE

PUNJAB COURTS ACT, 1918

6 of 1918

[12th July, 1918]

An Act to validate all things done under the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, to repeal the said Acts or so much of them as may be valid and to enact a law relating to Courts in Punjab, which is free from the defect described in the preamble. Whereas it appears that the Punjab Courts Act, 1914, as assented to by the Lieutenant-Governor on the 15th January, 1914, and by the Governor-General on 27th April, 1914, and as published in the Punjab Gazette on 22nd May, 1914, included a clause, namely, clause (b) of sub-section (1) of Section 39 which had not been passed by the Legislative Council of the Lieutenant-Governor, and whereas doubts have arisen as to the validity of things done under the said Act, and the amending Act, Punjab Act IV of 1914 : And whereas it is expedient to validate all things done under the said Acts, to repeal the said Acts or so much of them as may be valid, and to enact a law relating to Courts in Punjab, which is free from the defect above described, it is hereby enacted as follows:

PART 1
PART

1. Short title and extent :-

- (1) This Act may be called the Punjab Courts Act, 1918.
- (2) It extends to Punjab and Union territory of Delhi.

2. Definitions :-

In this Act

the expression "the Punjab Courts Act, 1914" means what was published as the Punjab Courts Act, 1914, in Part V of the Punjab Gazette, dated 22nd May, 1914; and

the expression "Punjab Act IV of 1914" means what was published as Punjab Act IV of 1914, in Part V of the Punjab Gazette, dated 20th November, 1914.

3. Enactment of provisions relating to Courts in the Punjab :-

(1)

(a) The provisions contained in Part II of this Act are hereby enacted, and shall be deemed to have had effect on and from the first day of August, 1914.

(b) The Punjab Courts Act, 1914, and Punjab Act IV of 1914, or so much of them as may be valid, are repealed on and from the first day of August, 1914.

(2) All things done under the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, shall be deemed to be in every way as valid as if the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, had been of full force and effect on and from the first day of August, 1914 :

Provided, firstly, that any appeal which may have been decided by the Chief Court in the exercise of jurisdiction purporting to be exercised under Section 39(l)(b) of the Punjab Courts Act, 1914, shall be deemed to have been validly decided, and shall not be called in question by reason of anything contained in this Act;

And thirdly, that any appeal which would have lain to the Chief Court under Section 39(l)(b) of the Punjab Courts Act, 1914, but which lies to the District Court under the provisions of this Act and which if presented to the Chief Court at the commencement of this Act would be within time, shall be deemed to be presented within time if presented to the District Court within sixty days from the commencement of this Act.

PART 2

PART

CHAPTER 1

Preliminary

1. . :-

2. Repeal :-

The enactments specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Definitions :-

In this part, unless there is something repugnant in the subject or context,

(1) "Small cause" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Courts Act, 1887 (IX of 1887);

(2) "Land-suit" means a suit relating to land as defined in section 4(1) of the Punjab Tenancy Act, 1887, or to any right or interest in such land (XVI of 1887);

(3) "Unclassed suit" means a suit which is neither a small cause nor a land suit; and

(4) "Value" used with reference to a suit means the amount or value of the subject-matter of the suit.

CHAPTER 2

CHAPTER

4. . :-

1 *****

1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

5. . :-

1 *****

1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

6. . :-

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

13. . :-

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

14. . :-

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

15. . :-

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1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

16. . :-

1 *****

1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

17. . :-

1 *****

1. See now the Indian Succession Act, 1925 (XXXIX of 1925).

CHAPTER 3

The Subordinate Civil Courts Classes of Courts

18. **Classes of Courts** :-

Besides ¹ the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely :

- (1) The Court of the District Judge;
- (2) The Court of the Additional Judge; and
- (3) The Court to the Subordinate Judge.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

19. **Civil districts** :-

- (1) For the purposes of this Part, the [State] Government shall divide the territories under its administration into civil districts.
- (2) The [State] Government may alter the limits or the number of

these districts.

20. District Judges :-

The [Central] Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that District:

Provided that the same person may, if the [Central] Government thinks fit, be appointed to be District Judge of two or more districts.

21. Additional Judges :-

(1) When the business pending before any District Judge requires the aid of an Additional Judge or Judges for its speedy disposal, the ¹ [State] Government may appoint such Additional Judges as may be necessary.

(2) An additional Judge so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to him, and in the discharge of those functions he shall exercise the same powers as the District Judge.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

21A. Assignment of function of the District Judge to Additional District Judge :-

The High Court or the District Judge may assign to an Additional District Judge any of the functions of the District Judge including the functions of receiving and registering cases and appeals, which but for such assignment of functions, could be instituted in the Court of the District Judge, and the discharge of those functions the Additional District Judge shall notwithstanding anything contained in the Act exercise the same powers as the District Judge.

22. Subordinate Judges :-

(1) The ¹ [State] Government may after consultation with the High Court fix the number of Subordinate Judges to be appointed [****]

(2) *****

1. Sub-section (2) was omitted and sub-section (3) renumbered sub-section (2) and new sub-1 section (3) substituted for sub-section (4) by Punjab Act, IX of 1922, Section 14. For notification under sub-section (3), see Punjab Gazette, Extraordinary, dated 5th January, 1923, page 13.

23. Repealed by Section 5 of Punjab Act IX of 1922 :-

24. District Court to be principal Civil Court of original jurisdiction :-

The Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district.

25. . :-

Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

26. Pecuniary limits of jurisdiction of Subordinate Judges :-

The jurisdiction to be exercised in original civil suits as regards the value by any persons appointed to be a Subordinate Judge,¹ shall ² be determined by the [High Court] either by including him in a Class or otherwise as it thinks fit.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

2. Sub-section (2) was omitted and sub-section (3) renumbered sub-section (2) and new sub-1 section (3) substituted for sub-section (4) by Punjab Act, IX of 1922, Section 14. For notification under sub-section (3), see Punjab Gazette, Extraordinary, dated 5th January, 1923, page 13.

27. Local Limits of jurisdiction :-

(1) The local limits of the jurisdiction of a Subordinate Judge shall be such as the [High Court] may define.

(2) When the High Court posts a Subordinate Judge to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

28. Special Judges and Benches :-

1

(1) The [State] Government may after consultation with the High Court appoint any person to be an Honorary Subordinate Judge, and the High Court may confer on such Judge all or any of the powers conferable under this Act on a Subordinate Judge with respect to particular classes of suits or with respect to suits generally in any local area.

(2) The [State] Government may direct any uneven number of

persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section and the benches constituted under this section shall be deemed, for the purposes of this Part, to be Subordinate Judges.

1. Sub-section (2) was omitted and sub-section (3) renumbered sub-section (2) and new sub-1 section (3) substituted for sub-section (4) by Punjab Act, IX of 1922, Section 14. For notification under sub-section (3), see Punjab Gazette, Extraordinary, dated 5th January, 1923, page 13.

29. Power to invest, Subordinate Judge with Small Cause Court jurisdiction :-

The [High Court] may, by notification in the Official Gazette, confer, within such local limits as it thinks fit upon any Subordinate Judge, the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits, cognizable by such Courts, up to such value not exceeding five hundred rupees * * * * as it thinks fit, and may withdraw any jurisdiction so conferred.

30. Exercise by Subordinate Judges of jurisdiction of District Court in certain proceedings :-

(1) The [High Court] may by general or special order authorise any Subordinate Judge to take cognizance of, or any District Judge to transfer to a Subordinate Judge under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in such order.

(2) The proceedings referred to in sub-section (1) are the following, namely :

(a) Proceedings under the Indian Succession Act, 1865¹, (X of 1865) and the Probate and Administration Act, 1881 (V of 1881) which cannot be disposed of by the District Judge.

(b)² *****

(3) The District Judge may withdraw any such proceedings taken cognizable of by or transferred to a Subordinate Judge and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them.

(4) Proceedings taken cognizance of by or transferred to a Subordinate Judge, as the case may be, under this section shall be disposed of by him, subject to the rules applicable to like proceedings when disposed of by the District Judge.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

2. Sub-section (2) was omitted and sub-section (3) renumbered sub-section (2) and new sub-1 section (3) substituted for sub-section (4) by Punjab Act, IX of 1922, Section 14. For notification under sub-section (3), see Punjab Gazette, Extraordinary, dated 5th January, 1923, page 13.

31. Place of sitting of Court :-

(1) The [High Court] may fix the place or places at which any Court under this Part is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Part may be held at any place within the local limits of its jurisdiction.

32. . :-

*****]

33. Control of Courts :-

Subject to the general superintendence and control of the [High Court], the District Judge shall have control over all the Civil Courts under this Part within the local limits of his jurisdiction.

34. Power to distribute business :-

Notwithstanding anything contained in the Code of Civil Procedure, every District Judge may by written order direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit :

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond

the limits of its jurisdiction.

35. . :-

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36. Power to fine ministerial officers :-

(1) A District Court or any Court under the control of District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2) The District Court may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by any Court under its control, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control.

37. Delegation of District Judges powers :-

A District Court may, with the previous sanction of the ¹ [High Court] delegate to any Subordinate Judge in the district, the power conferred on a District Court by Sections 33, [and 34], of this Part and Section 24 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the districts, subject to the control of the District Court.

1. Sub-section (2) was omitted and sub-section (3) renumbered sub-section (2) and new sub-1 section (3) substituted for sub-section (4) by Punjab Act, IX of 1922, Section 14. For notification under sub-section (3), see Punjab Gazette, Extraordinary, dated 5th January, 1923, page 13.

CHAPTER 4

Appellate and Revisional Jurisdiction in Civil Cases

38. Appeals from District Judges or Additional Judges :-

(1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional Judge exercising original jurisdiction shall lie to the ¹ [High Court].

(2) An appeal shall not lie to the [High Court] from a decree or order of an Additional Judge in any case in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

1. Substituted for the word "Munsifs" by Section 15 of Punjab Act, IX of 1922.

39. Appeals from Subordinate Judges :-

(1) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge shall lie

(a) to the District Judge where the value of the original suit in which the decree or order was made did not exceed five thousand rupees; and

(b) to the [High Court] in any other case.

1

(2) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.

(3) The High Court may by notification direct that appeals lying to the District Court from all or any of the decrees or orders passed in an original suit by any Subordinate Judges shall be preferred to such other Subordinate Judges as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly and the Court of such other Subordinate Judge shall be deemed to be a District Court for the purposes of all appeals so preferred.

1. Inserted by Punjab Act, IX of 1922, Section 15.

40. Power to transfer to a Subordinate Judge appeals from other Subordinate Judges :-

(1) A District Judge may transfer any appeals pending before him from the decrees or orders of ¹[Subordinate Judges] to any ²[other] Subordinate Judge under his administrative control competent to dispose of them.

(2) The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it to a Court under his administrative control competent to dispose of it.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

(4) The powers conferred by this section shall be exercised subject to such general or special orders as may from time to time be issued in this behalf by the ³ [High Court.]

1. Substituted for the word "Munsifs" by Section 15 of Punjab Act, IX of 1922.
2. Inserted by Punjab Act, IX of 1922, Section 15.
3. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

41. Second appeals :-

(1) An appeal shall lie to the [High Court] from every decree passed in appeal by any Court subordinate to the High Court on any of the following grounds, namely:

(a) the decision being contrary to law or to some custom or usage having the force of law;

(b) the decision having failed to determine some material issue of law or custom or usage having the force of law;

(c) a substantial error or defect in the procedure provided by the Code of Civil Procedure, 1908 (V of 1908), or by any other law for the time being in force, which may possibly have produced error or defect in the decision of the case upon the merits.

1

Explanation. A question relating to the existence or validity of a custom or usage shall be deemed to be a question of law within the meaning of this section.

(2) An appeal may lie under this section from an appellate decree passed ex parte.

(3) **2** *****

1. Inserted by Punjab Act, VI of 1941 and extended to Union territory of Delhi vide Home Deptt. Notification No.72/43 dt. 16.9.43.

2. Sub-section 3 omitted by Punjab Act, VI of 1941, Section 2 (b).

42. Second appeal on no other grounds :-

(1) No second appeal shall lie except on the grounds mentioned in Section 41.

(2) No second appeal in certain suits. No second appeal shall lie in any suit of the nature cognizable by Courts of Small Causes when the amount or value of the subject matter of the original suit does not exceed five hundred rupees.

43. . :-

1 *****

1. Repealed by Punjab Ad, IV of 1919, Section 2(4).

44. Revision :-

The [High Court] may call for the record of any case which has been decided by any Court subordinate to it and in which no appeal lies thereto, and if such subordinate Court appears

(a) to have exercised a jurisdiction not vested in it by law; or

(b) to have failed to exercise a jurisdiction so vested; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity; the ¹ [High Court] may make such order in the case as it thinks fit.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

44A. Period of Limitation :-

(1) The period of limitation for an appeal under Section 41 of this Part shall be ninety days from the date of the decree appealed against.

(2) In computing this period and in all respects not herein specified, the limitation of an appeal under the said section shall be deemed to be governed by the provisions of the Indian Limitation Act, 1908.

CHAPTER 5

Supplemental Provisions

45. Mode of conferring powers :-

Except as otherwise provided by this part, any powers that may be conferred by the High Court on any person under this part may be conferred on such person either by name or by virtue of office.

46. Continuance of powers of officers :-

Whenever any person holding an office in the service of Government who has been invested with any powers under this Part throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the ¹ [High Court], otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

1. Added by Punjab Act, IV of 1919, Section 2(9).

46A. Provisions regarding petition-writers :-

The High Court may from time to time make rules consistent with this and any other enactment for the time being in force :

(a) declaring what persons shall be permitted to act as petition-writers the Courts subordinate thereto;

(b) regulating the issue of licenses to such persons, the conduct of business them, and the scale of fees to be charged by them; and

(c) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

47. Control of list of holidays :-

1

(1) Subject to such general orders as may be made by the ² [State] Government, the High Court shall prepare a list of days to be observed in each year as holidays in the Civil Courts subordinate thereto.

(2) Every such list shall be published in the Official Gazette.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

2. Added by Punjab Act, IV of 1919, Section 2(9).

47A. Provision regarding pending proceedings :-

All suits, appeals, revisions, applications, reviews, executions and other proceedings whatsoever whether Civil or Criminal pending in the Chief Court of the Punjab shall be continued and concluded in the High Court of Judicature at Lahore as if the same had been had in such High Court; and the High Court of Judicature at Lahore shall have the same jurisdiction in relation to all such suits, appeals, revisions, reviews, executions, applications and other proceedings as if the same had been commenced and continued in such High Court.

48. . :-

1 *****

1. Repealed by Punjab Act, IV of 1919, Section 2(4).

49. Amendment of the Punjab Land Revenue Act, Punjab Tenancy Act and the Indian Court-fees Act :-

(a) In Section 117(2) of the Punjab Land Revenue Act, 1887, in clause (c) "Subordinate Judge" shall be substituted for "District Judge" and in clause (d) and (e) "District Court" shall be substituted for "Divisional Court".

(b) In section 99 (1) of the Punjab Tenancy Act, 1887, "District Judge" shall be substituted for "Divisional Judge".

(c) In Section 7(v)(b) of the Indian Court Fees Act, 1870, for the word "five" shall be substituted by the word "ten".

50. Amendment of definition of District Judge in Punjab General Clauses Act, 1898 :-

For the definition of "District Judge" in Section 2(15) of the Punjab General Clauses Act, 1898, the following shall be substituted: - "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include the ¹ [High Court] in the exercise of its ordinary or extraordinary original civil jurisdiction.

1. Substituted for the words "Chief Court" by Punjab Act, IV of 1919, Section 2(5).

51. Reference in existing enactments to Chief Court :-

In every enactment now in force, and in every appointment, order, rule, bylaw, notification, or form made or issued thereunder all references to the Chief Court of the Punjab shall be construed when necessary as referring to the High Court of Judicature at Lahore ¹(until the fifteenth day of August, 1947), ² (from that date and before the commencement of the Constitution, as referring to the High Court of East Punjab, and after the commencement of the Constitution as referring to the High Court of Punjab).

1. Inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts, Order, 1948)G.G.O.40.)

2. Substituted for the words "and thereafter, as referring to the High Court of East Punjab" (vide the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948) by the Adaptation of Laws (Third Amendment) Order, 1951.

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SCHEDULE

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