

Madhya Pradesh Prisoners Release On Probation Act, 1954**16 of 1954****[04 May 1954]**

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Madhya Pradesh Prisoners Release On Probation Act, 1954**16 of 1954****[04 May 1954]**

An Act to provide for the release of certain prisoners on conditions imposed by the Madhya Bharat Government. Be it enacted as follows:-- 1. Having been reserved by the Rajpramukh under Article 254 (2) of the Constitution of India, for the consideration of the President, received his assent on 4th May, 1954.

1. Title, Extent And Commencement :-

This Act may be called the Madhya Pradesh Prisoners Release on Probation Act, 1954.

1[(2) It extends to the whole of Madhya Pradesh.

(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall come into force in other areas on such date as the State

Government may, by notification, appoint.]

1. Substituted by M.P. Second Extension of Laws Act, 1961 (40 of 1961).

2. Power Of Government To Release By Licence On Conditions Imposed By It :-

Notwithstanding anything contained in Section 401 of the Code of Criminal Procedure, 1898,¹ where a person is confined in a prison under a sentence of imprisonment, and it appears to the Government from his antecedents and his conduct in the prison that he is likely to abstain from crime and lead a peaceable life, if he is released from prison, the Government may, by licence, permit him to be released on condition that he be placed under the supervision or authority of a Government Officer or of a person professing the same religion as the prisoner or such Institution or Society as may be recognised by the Government for the purpose, provided such other person, institution or society is willing to take charge of him.

Explanation.--The expression "Sentence of Imprisonment" in this Section shall include imprisonment in default of payment of fine and imprisonment for failure to furnish security under Chapter 8 of the Code of Criminal Procedure¹.

1. See now Code of Criminal Procedure, 1973 (2 of 1974).

3. Period For Which Licence Is To Be In Force :-

A licence granted under the provisions of Section 2 shall be in force until the date on which the person released would in the execution of the order of warrant authorising his imprisonment have been discharged from prison had he not been released on licence, or until the licence is revoked, whichever is earlier.

4. Period Of Release To Be Reckoned As Imprisonment For Computing Period Of Sentence Served :-

The period during which a person is absent from prison under the provisions of this Act on a licence which is in force shall be reckoned as part of the period of imprisonment to which he was sentenced, for the purpose of computing the period of his sentence and for the purpose of computing the amount of remission of sentence which might be awarded to him under any rules in force relating to such remissions.

5. Form Of Licence :-

A licence granted under the provisions of Section 2 shall be in such form and shall contain such conditions as the Government may by general or special order or by rules made in this behalf direct.

6. Power To Revoke Licence :-

The Government may at any time for reasons to be recorded in writing revoke a licence granted under the provisions of Section 2 : Provided that no licence shall be revoked on the ground of a breach of a condition of the licence without giving an opportunity to the person concerned to present his case before the District Magistrate of the District in which he is residing at the time.

(2) An order of revocation passed under the provision of sub-section (1) shall specify the date with effect from which the licence shall cease to be in force, and shall be served, in such manner as the Government may by rule prescribe, upon the person whose licence has been revoked.

7. Released Absconder Who Escapes From Supervision To Be Punishable :-

(1) If any person escapes from the supervision or authority of a Government Officer or Institution or Society or person in whose charge he has been placed under the provisions of Section 2, or if any person whose licence has been revoked under the provisions of Section 6, fails without lawful excuse, the burden of proving which shall be upon him, to return to the prison from which he was released, on or before the date specified in the order of revocation, such person shall on conviction by a Magistrate be liable to serve the unexpired portion of his original sentence and shall also be punishable with imprisonment for a further term which may extend to two years or with fine not exceeding Rs. 200 or with both.

(2) An offence punishable under sub-section (1) shall be deemed to be a cognizable offence within the meaning of clause (f) of 1[sub-section (1)] of Section 4 of the Code of Criminal Procedure, 18981.

1. Substituted by M.P. Second Extension of Laws Act, 1961 (40 of 1961).

2. See now the Code of Criminal Procedure, 1973 (2 of 1974).

8. Power Of Government To Remit Sentence :-

(1) The Government may remit the whole or part of the sentence of a person sentenced to imprisonment for an offence under any Act, on such person entering into a bond with one or more sureties, in such amount and for such period as the Government may direct, to be of good behaviour and to observe such condition as to residence or otherwise, as the Government may impose.

(2) The provisions of Sections 126, 126-A, 514, 514-A, 514-B and 515 of the Code of Criminal Procedure, 18981 shall, so far as may be, apply in the case of sureties offered and bonds given under this section as if they had been offered and given under Chapter VIII of the said Code :

Provided that if any person required under Section 126-A or 514-A of the said Code to furnish fresh sureties, fails to furnish the same, the Government may cancel the order passed under sub-section (1) and order that such person shall serve the whole or so much of his unexpired sentence as the Government may direct.

(3) If any person released under sub-section (1) fails to observe the conditions of his bond, the Government may direct that he be re-arrested and sent to prison to serve the whole or such part of his unexpired sentence as it may direct, in addition to any proceedings that may be taken against him or his surety or sureties in respect of such bond under the said Code.

1. See now the Code of Criminal Procedure, 1973 (2 of 1974).

9. Power To Make Rules :-

The Government may make rules consistent with this Act:--

(1) for the form and conditions of licence on which prisoners may be released;

(2) for the appointment of Government Officer, the recognition of Institutions, Societies and persons referred to in Section 2;

(3) for defining the powers and duties of Government Officer, Institutions, or persons, under whose authority or supervision conditionally released prisoner may be kept;

(4) for defining the classes of offenders who may be conditionally released, and the periods of imprisonment after which they may be so released;

(5) for prescribing the manner in which an order of revocation of a licence shall be served on the person whose licence is revoked;

(6) for delegation of all or any of its powers to any officer or person authorised in this behalf;

(7) generally for carrying into effect all the purposes of this Act.

10. Repeal :-

On the enforcement of this Act the Madhya Bharat Prisoners Release on Probation Act, Samvat 2008, and all laws, rules, regulations and other provisions having the force of law relating to the release of prisoners on probation, in force in Madhya Bharat, shall stand repealed :

Provided that all actions taken or order given under them shall be deemed to have been taken or given, as the case may be, under this Act.