

Madras District Police (Amendment) Act, 1865

05 of 1865

[28 April 1865]

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PREAMBLE

An Act to amend Act XXIV of 1859.

Whereas it is expedient to amend Act XXIV of 1859 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 forth with paid, to apprehend and to detain, or to 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 down ²[* * * * *
* * * *****] 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 the Repealing and Amending Act, 1901 (Central Act XI of 1901).

2. The words " with respect to offenders who are and who are not British subjects respectively," were omitted by the Adaptation (Amendment) Order of 1950.

1. Levy of forfeitures or penalties in case of nonpayment :-

All forfeitures or penalties imposed under the authority of Act XXIV

of 1859, 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.

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 or 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. The words " provided he is not a European British subject " were omitted by the Adaptation (Amendment) Order of 1950.

4. [Omitted] :-

¹[***** *].

1. Section 4 was omitted by *ibid*.

5. Construction :-

This Act shall be read with, and be taken to be part of Act XXIV of 1859.