

The U.P. Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979

UTTAR PRADESH

India

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Act 35 of 1979

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The U.P. Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979 (U.P. Act No. 35 of 1979) Last Updated 9th March, 2020 Statement of Objects and Reasons (U.P. Act No. 9 of 2018). - The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979 (U.P. Act no. 35 of 1979) has been enacted to amend certain Central enactments of provide for the composition of certain offences and for abatement of certain criminal trials. On the recommendation of the High Court of Judicature at Allahabad it has been decided to amend sub-section (2) of Section 9 of the said Act to extend the period for abatement of certain proceedings pending before a Magistrate from January 1, 2013 to December 31, 2015. The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2017 is introduced accordingly. (As passed by the Uttar Pradesh Legislature) Published in U.P. Gazette (Extraordinary), dated December 21, 1979. An Act further to amend the [Motor Vehicles Act, 1939] [Now see Motor Vehicles Act, 1988.], the Minimum Wages Act, 1948, the Factories Act, 1948, the Police Act, 1861 and the Public Gambling Act, 1867 (in their application to Uttar Pradesh) and the [Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959] [Now see U.P. Municipal Corporations Act, 1959.], and the Uttar Pradesh Dookan Aur Vanijya Adhithan Adhiniyam, 1962 with a view to provide for the composition of certain offences and abatement of certain criminal trials. It is hereby enacted in the Thirtieth Year of the Republic of India as follows :

1. Short title and extent.

(1) This Act may be called the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979. (2) It shall extend to the whole of Uttar Pradesh.

2.

After Section 131-A of the [Motor Vehicles Act, 1939] [Now see Motor Vehicles Act, 1988.], the following section shall be inserted, namely : "131B. Compounding of offences. - (1) Any offence punishable under this Chapter (excluding Sections 116, 117, 118-A, 123 and 123-A) may subject to any general or special order of the State Government in this behalf, be compounded either before or after the institution of the prosecution, by an officer specially empowered by the State Government in this behalf by notification, on realisation of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence.(2)Where the offence is so compounded,-(i)before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution, the composition shall amount to acquittal of the offender."

3.

In the Minimum Wages Act, 1948, after Section 22-C, the following section shall be inserted, namely : "22-CC. Compounding of offences. - An officer specially empowered by the State Government in this behalf by notification may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only committed for the first time, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded-(i)before the institution of the prosecution, the offender shall not be liable to-prosecution for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution, the composition shall amount to acquittal of the offender."

4.

In Chapter X of the Factories Act, 1948, after Section 106, the following section shall be inserted, namely ; "106-A. Compounding of offences. - The Inspector may, subject to any general or special order of the State Government in this behalf compound any offence punishable under this Act with fine only and committed for the first time, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded-(i)before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution, the composition shall amount to acquittal of the offender."

5.

For Section 34-A of the Police Act, 1861, the following section shall be substituted, namely ; "34-A. Compounding of offences under Sections 32 and 34.-An offence punishable under Section 32 or Section 34 may, subject to any general or special order of the State Government in this behalf, be compounded by the District Superintendent of Police, either before or after the institution of the

prosecution, on realisation of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence; and when the offence is so compounded-(i)before the institution of the prosecution, the offender shall not be liable to prosecution, for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution the composition shall amount to acquittal of the offender."

6.

After Section 14 of the Public Gambling Act, 1867, the following section shall be inserted, namely :
"14-A. Compounding of offences. - An officer specially empowered in this behalf by the State Government by notification may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded-(i)before the institution of the prosecution the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution, the composition shall amount to acquittal of the offender :Provided that nothing contained in this section shall authorize the composition of any subsequent offence committed by an offender who has once been convicted for any offence punishable under this Act."

7.

In Section 564 of the [Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959] [Now see U.P. Municipal Corporations Act, 1959.], for clause (b), the following shall be substituted, namely :
"(b) subject to any general or special orders of the State Government in this behalf, compound any offence punishable under this Act, or rules, bye-laws or regulations, made thereunder, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded-(i)before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution the composition shall amount to acquittal of the offender."

8.

In Section 36 of the Uttar Pradesh Dookan Aur Vanijya Adhistan Adhiniyam, 1962, after sub-section (2), the following sub-section shall be inserted, namely :
"(3) The Chief Inspector may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded-(i)before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution, the composition shall amount to acquittal of the offender."

9.

Notwithstanding anything contained in any other law for the time being in force. -(1)the trial of an accused for-(a)an offence punishable under-(i)The [Motor Vehicles Act, 1939] [Now see Motor Vehicles Act, 1988.]; or(ii)The Public Gambling Act, 1867, not being an offence punishable under Section 3 of that Act or an offence in respect of wagering punishable under Section 13 of that Act; or(iii)Section 34 of the Police Act, 1861; or(iv)Section 160 of the Indian Penal Code, 1860; or(b)any other offence punishable with fine only, or(2)a proceeding under Section 107 or Section 109 of the Code of Criminal Procedure, 1973, pending before a Magistrate on the date of commencement of this Act from before [December 31, 2016] [Substituted 'December 31, 2015' by U.P. Act 21 of 2019.] shall abate.