

Criminal Law (Composition of Offences) (U.P. Amendment) Act, 1956

UTTAR PRADESH

India

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Act 12 of 1957

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Criminal Law (Composition of Offences) (U.P. Amendment) Act, 1956(U.P. Act No. 12 of 1957)An act to provide for the composition of certain offences.For Introduction of this Act, see U.P. Gazette, Extraordinary, dated 24th July 1956, the summary of which is given in the text printed above.Whereas it is expedient to provide for the composition of certain offences under the Police Act, 1861, the Cattle Trespass Act, 1871, the Hackney Carriages Act, 1879, and the Motor Vehicles Act, 1939, and to amend the said Acts in their application to Uttar Pradesh.It is hereby enacted in the Eighth Year of the Republic of India as follows :Introduction. - This Act provides for composition of certain offences under the Police Act, 1861. the Cattle Trespass Act, 1871, the Hackney Carriages Act, 1879 and the Motor Vehicles Act, 1939 and amends these Acts in their application to the State of Uttar Pradesh. The Statement of Objects and Reasons of the Act says : "There are a number of petty offences under certain Acts for which there is no alternative method of disposal except through trial. It is expedient to prescribe a procedure for composition of petty cases under these Acts. The Bill accordingly seeks to provide for the composition of offences under Section 7 of the Hackney Carriages Act, 1879; Section 24 of the Cattle Trespass Act, 1871; Sections 112, 113 and 114 of the Motor Vehicles Act, 1939 and Sections 32 and 34 of the Police Act, 1861.

1. Short title and commencement.

(1)This Act may be called the Criminal Law (Composition of Offences) (U.P. Amendment) Act, 1956.(2)It shall come into force at once.

2. Addition of a new Section 34-A in Act V of 1861.

- After Section 34 of the Police Act, 1861, the following new Section shall be inserted, namely : "34-A. Compounding of offences under Sections 32 and 34. - The offences punishable under Sections 32

and 34 may be compounded by the District Superintendent of Police."

3. Addition of a new Section 24-A in Act I of 1871.

- After Section 24 of the Cattle Trespass Act, 1871, the following new section shall be inserted, namely : "24-A. Compounding of offences under Section 24. - The offences punishable under Section 24 may, with the permission of the Court before which any prosecution for such offence is pending, be compounded-(a)where the cattle is rescued after seizure from a pound by the local authority owning or maintaining the pound, or if such local authority has nominated any persons in that behalf, by such person; and of which is given in the text printed above.(b)in other cases, by the person who was opposed in seizing the cattle or, as the case may be, from whom the cattle was rescued."

4. Addition of a new Section 7-A in Act XIV of 1879.

- After Section 7 of the Hackney Carriages Act, 1879 the following new Section 7-A shall be inserted, namely : "7-A. Compounding of offences under Section 7. - (1) The offences punishable under Section 7 of the Hackney Carriages Act, 1879, may be compounded by the Executive Officer, or where there is no Executive Officer, by the Secretary of the Municipal Board.(2)The expression 'Executive Officer' and 'Secretary' in sub-section (1) mean the Executive Officer and Secretary of the Municipal Board concerned."

5.

[* * *] [[Deleted by Section 2 of U.P. Act X of 1958 The original section run as follows : '5. Addition of a new Section 114-A in Act IV of 1939. - After Section 114-A of the Motor Vehicles Act, 1939 (Now Motor Vehicles Act, 1988) the following new section shall be inserted, namely : '114-A. Compounding of offences under Sections 112, 113 and 114. - (1) The offences punishable under Sections 112 and 113 may be compounded by the Regional Transport Officer, or where he is so authorized by the Regional Transport Officer, by the Assistant Regional Transport Officer.(2)The offences under Section 114 may be compounded by the Transport Commissioner or where he is so authorized by the Transport Commissioner, by the Deputy Transport Commissioner (Administration).(3)The expressions 'Transport Commissioner', 'Deputy Transport Commissioner (Administration)', 'Regional Transport Officer' and 'Assistant Regional Transport Officer', mean the officers appointed as such by the State Government.']]

6. Application of certain sub-sections of Section 345 of Act V of 1898.

(1)The provisions of sub-sections (3), (5), (5-A) and (6) but not of sub-section (7) of Section 345 of the Code of Criminal Procedure, 1898, shall apply to offences compoundable under Sections 34-A, 24-A [and] [Added by Section 3 (a) of U.P. Act X of 1958.] 7-A [* * *] [The words and figures 'and 114-A' deleted by Section 3 (b) U.P. Act X of 1958.] inserted in the respective Acts by Sections 2 to [4] [Substituted by Section 3 (c) for the figure '5'.] of this Act.(2)The provisions of sub-section (4) of

the said Section 345 of the Code shall also apply to offences compoundable under clause (b) of Section 24-A aforementioned.