

III. CHARGES FOR THEFT AFTER PREVIOUS CONVICTION

I, _____ (name and office of Magistrate, etc.)
hereby charge you _____ (name of accused person) as follows: —

That you, on or about the _____ day of _____, at _____, committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session (or Magistrate, as the case may be). And you, the said (name of accused), stand further charged that you, before the committing of the said offence, that is to say, on the day of _____, had been convicted by the _____ (state Court by which conviction was had) at _____ of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night _____ (describe the offence in the words used in the section under which the accused was convicted), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, etc.

FORM No. 33

SUMMONS TO WITNESS

(See sections 61 and 244)

To _____ of _____
WHEREAS complaint has been made before me that _____ (name of the accused) of _____ (address) has (or is suspected to have) committed the offence of _____ (state the offence concisely with time and place), and it appears to me that you are likely to give material evidence or to produce any document or other thing for the prosecution;

You are hereby summoned to appear before this Court on the _____ day of _____ next at ten o'clock in the forenoon, to produce such document or thing or to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Dated, this _____ day of _____, 19 ____ .
(Seal of the Court) _____ (Signature)

FORM No. 34

WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A ¹[COURT]
²[(See sections 235, 248 and 255)]

To the Officer in charge of Jail at _____

WHEREAS on the _____ day of _____, _____ (name of the prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. _____ of the Calendar for 19____, was convicted before me _____ (name and official designation) of the offence of _____ (mention the offence or offences concisely) under section (or sections) _____ of the Indian Penal Code (or of _____ Act _____), and was sentenced to _____ (state the punishment fully and distinctly);

This is to authorise and require you to receive the said _____ (prisoner's name) into your custody in the said Jail, together with this warrant, and thereby carry the aforesaid sentence into execution according to law.

Dated, this _____ day of _____, 19 ____ .
(Seal of the Court) _____ (Signature)

1. Subs. by Act 45 of 1978, s. 35, for "MAGISTRATE".

2. Subs. by s. 35, *ibid*, for "(See sections 248 and 355)" (w.e.f. 18-12-1978).