

# 141ST REPORT

## ON

NEED FOR AMENDING THE LAW AS REGARDS POWER OF COURTS  
TO RESTORE CRIMINAL REVISIONAL APPLICATIONS  
AND CRIMINAL CASES DISMISSED FOR DEFAULT  
IN APPEARANCE



1991



**JUSTICE M. P. THAKKAR**  
*Chairman*

विधि आयोग  
**LAW COMMISSION**  
भारत सरकार  
**GOVERNMENT OF INDIA**  
शास्त्री भवन  
**SHASTRI BHAWAN,**  
नई दिल्ली

D. O. No. 7 (8)/91-LE(LS).

July 31, 1991.

To

Shri K. Vijay Bhaskar Reddy,  
Minister of Law, Justice  
and Company Affairs,  
Government of India,  
Shastri Bhavan,  
New Delhi.

Dear Minister,

**Re : Presentation of 141st Report of the Commission.**

In order to foreclose likely injustice in the course of administration of justice and in order to resolve conflicting views of two sets of High Courts on a vital matter a *suo motu* exercise was undertaken by the Commission which has resulted in the 141st Report being presented herewith encaptioned :-

**"NEED FOR AMENDING THE LAW AS REGARDS  
POWER OF COURTS TO RESTORE CRIMINAL REVISIONAL  
APPLICATIONS AND CRIMINAL CASES DISMISSED  
FOR DEFAULT IN APPEARANCE"**

By the very nature of the issue involved, the matter is one of importance as well as of urgency. It is, therefore, hoped that it will receive the early attention it deserves at your end.

Yours faithfully,

(M. P. THAKKAR)

*Encl : 141st Report.*

Copy to Sh. P. R. Kumaramangalam, Minister of State for Law, Justice & Company Affairs, Shastri Bhavan, New Delhi.

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## CHAPTER 1

### INTRODUCTORY

**1.1.1. Perspective of the Report.**—Likely injustice in the course of administration of criminal justice resulting from the extant position of law in two situations is sought to be foreclosed by recommending appropriate amendments in the existing law.

**1.1.2. The 'two' situations giving rise to injustice are :—**

*First situation.*—If the Revisional Court by a signed order dismisses a criminal Revision for default of the applicant or his/her Advocate to remain present when the matter is called for hearing, the court dismissing the said criminal revision cannot restore the same for hearing on merits. The concerned court cannot do so even if the applicant or his/her Advocate was prevented from remaining present for sufficient cause or in unavoidable circumstances notwithstanding the fact that the court passing the order of dismissal for default is satisfied that the absence deserves to be excused and ends of justice so demand. Such is the outcome in the context of the fact that as per the existing law a criminal court has no power to review its 'final order' and an order dismissing a criminal revisional application by a signed order is construed as a 'final order' within the meaning of the fetters imposed by section 362 of the Code of Criminal Procedure pertaining to the court's power to alter or review its judgment or final order.

*Second situation.*—The criminal court trying a summons case is powerless to remedy the resultant injustice in a given case arising out of the order of acquittal required to be rendered by the said court in the event of the complainant being unable to appear on the day appointed for the hearing [ (except in certain cases covered by the proviso to section 256 (1) ]. The net result of the relevant provisions of the Code is, that once the accused is acquitted under section 256 or a criminal case is dismissed for default by a signed order, then it cannot be restored and the consequential acquittal cannot be set aside, even if the default in appearance was for a sufficient cause. There are two reasons, in the main, for this position. First, the Code does not contain any express provision for restoring the dismissed matter entailing the acquittal of the accused person. Secondly, section 362 of the Code expressly creates a bar

and prohibits the review of a judgment or final order, once it is signed. And because the order of dismissal for default and the consequential order of acquittal under section 256 is construed as a final order.

**1.2. Need for remedial measures.**—The aforesaid statutory provisions cause and are likely to cause serious hardship and injustice in practice in several cases. The Law Commission of India is, therefore, of the opinion that there is a felt need for enacting provisions in the Code empowering the restoration of a criminal case dismissed for default of appearance and for setting aside the consequential order of acquittal in a case where the order is occasioned by the default in appearance of the complainant if sufficient cause exists for his default. As also for the restoration of a criminal revision dismissed for such a default in appearance. For, it appears that because of the bar created by section 362 against the review of a final order and because of the limitations of section 482 of the Code (which deals with the inherent power of a High Court), it would not be permissible under the present law for the court to resort to the inherent power for restoring such proceedings even in order to secure the ends of justice.

**1.3. An illustration of hardship.**—Prima facie, the present position, which in effect totally precludes the restoration of a dismissed criminal revisional application very often results in serious hardship and grave injustice. For example, take the case of an accused person who has been sentenced to a short term of imprisonment against which no appeal lies. If his application for revision in the High Court is dismissed for default by a signed order, he must either undergo the sentence even though the sentence might have been unwarranted in law, or approach the Supreme Court, after obtaining special leave. This course would be too expensive, too time consuming, and virtually beyond the reach of an ordinary citizen. So also the dismissal of a meritorious complaint in a summons case (even when the default in appearance deserves to be excused on account of existence of sufficient cause) and the consequential acquittal of the accused person is fraught with similar con-

sequences occasioning grave injustice to the aggrieved complainant. The need for addressing this problem also cannot be over-emphasised.

1.4. Need for examination of the Matter.— It would, therefore, seem that the matter needs a close look from the point of view of promoting justice which, of course, is the essential objective of any law of procedure. In the succeeding Chapters of this Report it is, therefore, proposed to examine the position in regard to this subject taking note of

the relevant statutory provisions in the light of the judicial decisions on the subject. It is also proposed to examine the analogous situation of a Magistrate dismissing a criminal case and acquitting the accused in cases not covered by the proviso to section 256(1), Cr.P.C., where the complainant fails to appear at the hearing notwithstanding the existence of sufficient cause for failure to appear at such hearing. (Section 256 of the Code). And to recommend the appropriate legislative remedy in the light of the discussion.

## CHAPTER II

### STATUTORY PROVISIONS

**2.1. Provisions of the Code.**—Three sections of the Code of Criminal Procedure, 1973 quoted herein below are relevant for the present purposes, namely, Sections 256, 362 and 482.

**“256. Non-appearance or death of complainant.**—

(1) If the summons has been issued on complaint, and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding any thing herein—before contained, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day:

Provided that where the complainant is represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may dispense with his attendance and proceed with the case.

(2) The provisions of sub-section(1) shall, so far as may be, apply also to cases where the non-appearance of the complainant is due to his death.”

**“362. Court not to alter judgment.**—Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgement or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”

**“482. Saving of inherent powers of High Court**—Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any] court or otherwise to secure the ends of justice.”

**2.2 Position resulting from section 362.**—It may be stated that section 362 of the Code of Criminal Procedure, 1973, corresponds to section 369, Code of 1898.

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Section 369, as enacted in 1898, provided that “No Court, other than a High Court, when it has signed its judgment, shall alter or review the same, except as provided in sections 395 and 484 or to correct a clerical error.” Despite the express exclusion of the High Courts from the operation of this provision, it was held that the High Courts had no implied power to alter or review their own judgments, whether under section 369 or under section 439 or otherwise. It was accordingly proposed in 1921, that the words “other than a High Court” should be omitted, to make it clear that section 369 conferred no such power on the High Courts, as it was noticed that one or two other sections of the Code (besides sections 395 and 484 and Cl. 26 of the Letters Patent of the High Courts) empowered the High Courts to revise their judgments. Hence the section was redrafted.

Section 369 of the Code of Criminal Procedure, 1898, as amended in 1923, read as follows :—

“Save as otherwise provided by this Code or by any other law for the time being in force or, in the case of a High Court, by the Letters Patent or other instrument constituting such High Court, no Court when it has signed its judgment shall alter or review the same, except to correct a clerical error.”

In the Code of Criminal Procedure (Act 2 of 1974), section 362 provides—

“Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its *judgment or final* order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”

The words “or in the case of a High Court, by the Letters Patent or other instrument constituting such High Court” which were found in the corresponding section 369 of the old Code, have been omitted in the present section. Hence an alteration or review by a High Court would be permissible (as in the case of other Courts), only where provision therefor is made in this Code or by any other law for the time being in force. At the same time, the section in the present Code bars an alteration in a final order also,

**2.3 Absence of power.**—We shall deal later in detail with the case law on the relevant sections of the Code. For the present purpose, it is sufficient to say that broadly speaking, at the present day by virtue of a judgment pronounced in 1986 by the Supreme Court, it would appear that a court cannot restore a criminal case dismissed for default. Although the judgment of 1986 in Gauraya's case was concerned with dismissal for non-appearance by the complainant, the following dicta occurring in the judgment [(1986) Cr.LJ 1074, 1076 right hand column, para 10] should be noted ;—

"So far as the accused is concerned, dismissal of a complaint for non-appearance of the complainant or his discharge or acquittal on the same ground is a final order and in the absence of any specific provision in the Code, a Magistrate cannot exercise any inherent jurisdiction."

**2.4. Conflicting views and their genesis.**—There are conflicting views among the High Courts on the question whether a court is empowered to order the restoration of a criminal revision petition dismissed for default. To a great extent, this conflict owes itself to the interpretation to be placed on two important provisions of the Code of Criminal Procedure, 1973, one positive and the other negative. The positive provision is contained in section 482 of the Code which recognises the inherent power of the High Court, to be exercised for securing

the ends of justice and for the purposes mentioned in the section. The negative provision is to be found in section 362 of the Code, which (in effect) bars review or alteration of a judgment or final order once it is signed in the context of the controversy as to whether an order dismissing the Revisional application otherwise than on merits, is a 'judgment' or 'final order' within the meaning of the said section.

**2.5. Urgent need to resolve the conflict.**—It is necessary to resolve the controversy with urgency for it would be incongruous to tolerate the same Central Act operating in an inconsistent manner in two sets of High Courts. The recent decision of the Supreme Court in Gauraya's case, albeit in the context of the dismissal of a criminal complaint, holding that such a dismissal followed by the acquittal of the accused is a 'judgment' or 'final order' and cannot be set aside even in exercise of inherent powers (which courts other than High Courts do not possess) enhances the complexity of the situation. Besides, it underscores the need to resolve the controversy with urgency lest some High Courts hold that the Revisional applications dismissed for default can be restored for hearing on merits and others holding that they cannot be restored. And to provide for a speedier and cheaper remedy in the High Court itself without being obliged to approach the Supreme Court at prohibitive time-cost and money-cost.

## CHAPTER III

### JUDICIAL DECISIONS AS TO DISMISSAL FOR DEFAULT OF CRIMINAL MATTERS

3.1. **Scope of the Chapter.**—In this Chapter, we propose to note the important judicial pronouncements on the subject of dismissal of a criminal case for default.

3.2. **Decisions of High Courts holding that power exists to restore criminal matters dismissed for default.**—In an Allahabad case<sup>1</sup> criminal revision petition was dismissed for default by the High Court, under a misapprehension that no medical certificate of the petitioner or illness slip of his counsel had been filed. Both these documents were, in fact, on the record. *The Allahabad High Court held that in exercise of its inherent powers, it could restore the case dismissed for default.*

3.3. **Another Allahabad case.**—Another Allahabad case<sup>2</sup> may be cited. The petitioners were being prosecuted under section 406, Indian Penal Code, on a private complaint. The complaint was dismissed by the trying Magistrate and the petitioners were discharged under section 203, Cr.P.C., 1973. The complainant filed before the Sessions Judge a revision petition against the order of discharge. The revision petition was dismissed for non-appearance of the complainant's application. Against this order of dismissal, the petitioners filed a revision petition in the High Court. *It was held by the Allahabad High Court that the criminal revision, dismissed for default, could be restored and reheard by the Sessions Judge. The dismissal was not a judgment. Further, the Code does not contemplate dismissal of a revision for default.*

3.4. **A Bombay Case.**—In a Bombay case<sup>3</sup> the petitioner was being prosecuted under sections 341, 397 and 506 of the Indian Penal Code, on the basis of a complaint made by one Navabai Vasandani. The Magistrate issued process to the petitioner. The order of issue of process passed by the Magistrate was challenged by the petitioner by way of a criminal writ petition. The petition came up for hearing on February 2, 1984, on which date a prayer for adjournment was made on behalf of the petitioner. The case was adjourned to February 13, 1984. However, the sheristadar of the court inadvertently mentioned the next date of hearing in the roznama as February 8, 1984. The writ petition when called out for hearing on February 8, 1984 was dismissed in default, since none was present on behalf of the petitioner. On

an application being made for restoration of the case, *the Bombay High Court held that in its inherent powers, as provided in section 482 of the Code of Criminal Procedure, 1973, the High Court could review or revise its own judgment, if such a judgment was pronounced without giving an opportunity of being heard to a party who was entitled to hearing and that party was not at fault. That party should not suffer for mistake of court.*

3.5. **A Calcutta case, Dismissal of revision petition.**—In a Calcutta case<sup>4</sup>, a criminal revision against a conviction was dismissed by the High Court for default. On an application for restoration of the same, *the Division Bench held that while, in India, no court could review its judgment on the merits, it could reopen a rule which had been discharged because no one had appeared at the hearing. The case had not been heard and determined on the merits. There had been no judgment. Hence there was no question of review of judgment.*

3.6. **A Gauhati case, Dismissal of revision for default—not a "final order".**—In a Gauhati case<sup>5</sup> a criminal revision petition was dismissed for default of appearance. The Gauhati High Court held that an order of dismissal of a criminal revision petition for default of appearance may not be regarded as a "final order" disposing of the case as envisaged in section 362, Code of Criminal Procedure, 1973, and as such, when one or more of the requirements of section 482 of the Code of Criminal Procedure, 1973 are present and *where glaring injustice stares the court in the face, such an order can be set aside and the petition restored and heard on merits by the High Court, exercising its inherent powers.*

3.7. **A Madras case : Dismissal of appeal by High Court : no judgement.**—In a Madras case<sup>6</sup>, the appellant, who was convicted of contempt by a special Magistrate, filed an appeal before the High Court, against his conviction and sentence. The appeal was dismissed as time barred by the Vacation Judge. The appellant, presumably in ignorance of this fact, presented another appeal on the reopening of the court through counsel. On an objection having been raised, the second appeal was held to be not maintainable. During the course of discussion, the power of the High Court to order the restora-



tion of a case dismissed in default was also examined and it was held by the High Court that when a criminal appeal or a criminal revision petition is dismissed without hearing, there is no "judgment" at all and the Judge or the Bench which disposed of the matter for default of appearance could rehear the matter. The case was decided under the code of 1898. In the present Code even an alteration of a 'final order' is barred by section 362.

3-8. A Patna case. —In a Patna case<sup>7</sup>, the petitioners had filed a revision petition against their conviction and sentence, but had not attached a copy of the judgment of the trial court. The court allowed one week for filing certified copy of the judgment of the trial court.

A direction was further given, that if the copy was not filed within the stipulated time, then the revision petition was to stand dismissed, but an application was made to the High Court to restore it. The Patna High Court held that the bar against review (as contained in section 369 of the code of 1898) did not prohibit restoration of a revision dismissed for default, because such order of dismissal was not a "judgment". The inherent power of the High Court was also relied on in support of such restoration.

It should, however, be noted that in so far as this ruling of the Patna High Court stresses the narrow word "judgment" used in section 369 of the Code as in force at that time, the ruling has lost much of its utility because the present section uses the expression "or final order" also.

3-9. A Rajasthan case regarding dismissal of revision. —In a Rajasthan case, the criminal revision petition was listed for admission on January 17, 1951, on which date neither the petitioner nor his counsel was present and consequently the petition was dismissed in default. It was held by the Rajasthan High Court as under :—

"So far as the question of restoration, strictly so called, is concerned, there is no provision in the Code of Criminal Procedure which empowers a Criminal Court to restore a criminal case once it has been finally decided. The power of restoration has to be specifically conferred, as in the case in the Code of Civil Procedure before it can be examined by a court".

"It is, however, the duty of the Court on the criminal side to decide a criminal matter on the merits whether a party or his pleader is present or not and though there can be no restoration

in a criminal case, the High Court has the power under s. 561A to make such orders as are necessary in the interests of justice.

"Thus, where a criminal revision is dismissed for default without going into its merits and there is no fault on the part of the applicant's lawyer who was waiting in the court in which the case was listed, the High Court should exercise its power under s. 561A to secure the ends of justice so that the revision may be disposed of after considering the grounds raised".

It was further directed that on the failure of the petitioners to file the copy of the judgment within the stipulated time, the revision petition was to stand dismissed without any further reference. Since the petitioners did not file the certified copy of the judgment within the time granted by the Court, their revision petition stood dismissed for default after the expiry of the stipulated period. On an application for restoration having been made, the Patna High Court held that section 369 of the Code of Criminal Procedure, 1898 corresponding to section 362 of the Code of Criminal Procedure, 1973 was no bar to the restoration of the criminal revision dismissed for default because such an order of dismissal on default was not a "judgment" within the meaning of section 369 of the Code of Criminal Procedure, 1898. It was further held that the court, in exercise of its inherent powers contained in section 561A of the Code of Criminal Procedure, 1898 corresponding to section 482 of the Code of Criminal Procedure, 1973, could order the restoration of the revision petition dismissed for default in an appropriate case. It was also held that in a criminal revision, the High Court acts at its own discretion and its order dismissing the revision petition in default is within the jurisdiction since no petitioner has a right to be heard and the High Court is not compelled to interfere with a judgment brought to its notice unless it so thinks fit.

3-10. Dismissal for default. No power to restore criminal matters according to some High Courts. We may now note High Court rulings holding that no such power exists. An Andhra case<sup>9</sup> relates to a dispute regarding immovable property (section 145, Code of Criminal Procedure). The party aggrieved by the order of the magistrate filed a revision before the District Magistrate. On the date fixed for hearing of the revision petition, both the parties were absent and the revision was dismissed for default. An Application made for restoration of the revision petition was allowed by the District Magistrate. Aggrieved by this order, the opposite party

preferred a revision to the High Court. The Admission judge in the High Court did not go into the merits of the case. But he directed the District Magistrate to decide the question whether a criminal case dismissed for default could be restored (as this question had been raised before the District Magistrate, but not decided). It so happened, that in the meantime, there had been a change of incumbent in the office of the District Magistrate and the District Magistrate who heard the matter as directed by the High Court, dismissed the restoration petition, relying mainly on the fact that the Code contained no provision for restoration. This time, the party aggrieved by the dismissal approached the High Court in revision. *The Andhra Pradesh High Court held that no restoration petition could lie against an order dismissing a criminal revision petition for default. It followed the Madras ruling in B. Rangarao 23 MLJ 371 laying down that in a criminal revision, no distinction can be made between an order passed without hearing the petitioner and one in which he is heard.*

3.11. **Another Andhra case and Himachal case.—** Another case from Andhra Pradesh<sup>10</sup> holds that there is no jurisdiction in the court to dismiss revision for default, once the records are called for. Same is the view taken by the High Court of Himachal Pradesh<sup>11</sup>.

3.12. **A Kerala case : dismissal of revision.—** The Kerala High Court<sup>12</sup> has held to the following effect (with reference to the Code of 1973) :—

“Clause (2) of s. 401 which deals with the powers of revision of the High Court provides that no order under that section should be made to the prejudice of the accused or other person unless he had an opportunity of being heard either personally or by pleader in his own defence. The afford of an opportunity is different from the availing of that opportunity. A party would get an opportunity for being heard if he is given notice of the case and the posting. His being not present at the time of hearing is his not availing of that opportunity. *There is no power conferred on the court by the provisions of the Criminal Procedure Code for restoration of revision petitions which have been disposed of, also. . . . . Restoration to file, and rehearing, prayed for here, is not to give effect to any order under the Code. Nor is it to prevent abuse of the process of the court, because no abuse of the process of the court is involved here. As the disposal here was after perusal of records*

and after hearing those counsel who were present in court, it was in accordance with law. The words “or otherwise to secure the ends of justice” occurring in section 482 also cannot take in a case of the present kind. Those words have to be read *ejusdem generis*. . . . . Restoration and hearing of a revision petition disposed of without hearing the respondent’s counsel, is not a purpose analogous to “giving effect to an order under the Code” or preventing abuse of the process of Court. *On the other hand, to restore and rehear a criminal revision petition which has been disposed of, would be to go against the mandatory provision in section 362 of the Criminal Procedure Code, that, except to correct a clerical or arithmetical error, a judgment or order should not be altered or reviewed after it is signed, unless otherwise provided, and any inherent power cannot be used to do what is expressly prohibited by the Code. Section 482 of the Code is not meant to give second inning to a party in a case which has already been decided against him”.*

The Kerala High Court further held that the Supreme Court rulings of 1962 and 1979 had clinched the matter.

3.13. **A Madras case : dismissal of revision.—** The Madras High Court<sup>13</sup> in 1912 held—

- (a) that it had no power to review an order passed in its criminal revisional jurisdiction.
- (b) that this was so even where the revision petition had been dismissed for default and
- (c) that no distinction could be made between an order passed without hearing the petitioner and an order passed after hearing the petitioner.

3.14. **Another Madras case : dismissal of revision.—**In another Madras case<sup>14</sup> of 1923, a criminal revision petition was dismissed for default by the High Court. The petitioner filed a second revision petition for the same relief. It was held as under :—

- (a) The court could not, and would not, entertain a second petition on a matter already disposed of;
- (b) A revision petition dismissed for default cannot be restored.

3.15. **A third Madras case : dismissal of revision.—**In yet another Madras case<sup>15</sup> of 1949, a complaint filed by the petitioner was dismissed under

section 203, Code of Criminal Procedure, 1898. The petitioner preferred a criminal revision before the Sessions Judge, which was dismissed for default. Application for restoration was also dismissed by the Sessions Judge, who held that no such application lay. On further revision being filed before the Madras High Court, the High Court held that a revision petition before the Sessions Judge, dismissed for default cannot be restored.

3-16. **Supreme Court case of 1962.**—*The Supreme Court had an occasion to consider the question whether an appellate court has the power to review or restore an appeal which is dismissed in 1962, in Sankatha Singh v. State of Uttar Pradesh*<sup>16</sup>. The facts of the case were that the appellants were convicted and sentenced under section 323, 324 and 452 read with section 34 of the Indian Penal Code, by the Magistrate. Their appeal against conviction, before the Sessions Judge, was dismissed in default. The appeal was subsequently restored for rehearing by the Sessions Judge, on an application having been made by the appellants. The successor of the Sessions Judge, who restored the appeal, however, was of the opinion that the appellate court had no power to review or restore an appeal. He accordingly dismissed the appeal, by holding that the order of his predecessor restoring the appeal was ultra vires and without jurisdiction. The revision petition carried to the High Court against this order was dismissed. In appeal to the Supreme Court, it was held that an appellate court has no power to review or restore an appeal which had been disposed of. A Sessions Judge cannot set aside his first order passed in appeal dismissing the appeal when neither the appellants nor their counsel appeared and cannot order the rehearing of the appeal.

In so far as the inherent power of the court to restore a case is concerned, the Supreme Court held as under in *Sankatha Singh v. State of U.P.*, referred to hereinabove:—

“... Assuming that Sri Tej Pal Singh, as Sessions Judge, could exercise inherent powers, we are of the opinion that he could not pass the order of the rehearing of the appeal in the exercise of such powers when section 369, read with section 424 of the Code, specifically prohibits the altering or reviewing of its order by a court. Inherent powers cannot be exercised to do what the Code specifically prohibits the court from doing.”

Although, in the above judgment, it was held that an appellate court must decide the appeal on

the merits, whether or not the parties appear, the judgment is relevant for the present purpose, in so far as it makes a definite negative pronouncement regarding inherent power of the appellate court and specifically holds that an appeal once decided cannot be reheard under the inherent power.

3-17. **Supreme Court case of 1977.**—In *Bindeshwari Prasad Singh's case*<sup>17</sup>, (decided in 1977), the Supreme Court held:—

“...there is absolutely no provision in the Code of Criminal Procedure of 1898 (which applies to this case) empowering a Magistrate to review or recall an order passed by him. Code of Criminal Procedure does contain a provision for inherent power, namely section 561-A which, however, confers these powers on the High Court and the High Court alone. Unlike section 151 of Civil Procedure Code the subordinate Criminal Courts have no inherent powers. In these circumstances, therefore, the learned Magistrate had absolutely no jurisdiction to recall the order dismissing the complaint. The remedy of the respondent was to move the Sessions Judge or the High Court in revision. In fact, after having passed the order dated 23-11-1968, the Sub-divisional Magistrate became *funcho officio* and had no power to review or recall that order, on any ground whatsoever. In these circumstances, therefore, the order, even if there be one, recalling the order dismissing the complaint, was entirely without jurisdiction. This being the position, all subsequent proceedings following upon recalling the said order, would fall to the ground, including order dated 3-5-1972 summoning the accused, which must also be treated to be a nullity and destitute of any legal effect. The High Court has not at all considered this important aspect of the matter, which alone was sufficient to put an end to these proceedings.”

3-18. **Supreme Court judgment of 1979.**—The most important judgment of the Supreme Court is of 1979. In that case<sup>18</sup>, the High Court had (in revision) enhanced the sentence passed on the convicted person. A petition for review of that judgment was entertained by the High Court. On an appeal by the State Government, the Supreme Court held that—

(a) *the High Court cannot review or revise a judgment passed in appeal or revision except in accordance with the provisions of the Code of Criminal Procedure.*

- (b) *The inherent power of the Court (section 561A, Code of 1898) cannot be exercised for a purpose specifically prohibited by the Code.*

3-19. **Position arising in the context of 1986 judgment of Supreme Court.**—In a case decided in 1986, the Supreme Court,<sup>19</sup> answering a broad question, namely, “whether a subordinate criminal court has any inherent jurisdiction outside the provisions of the Criminal Procedure Code”, held that no such power existed.

The facts may be stated in detail. A complaint had been filed under sections 67 and 72C(1)(a), Mines Act, 1952 read with the relevant Regulations made under the Act. On the date fixed for appearance of the accused, neither the complainant nor the accused appeared and the trial court dismissed the case for default. The complainant applied for restoration of the case to the Magistrate and restoration was ordered. The accused, however, applied before the Magistrate and challenged the order as being without jurisdiction. The Magistrate rejected the application of the accused, holding that he had inherent power to review and recall his earlier order. The accused then applied in revision to the Sessions Judge and the High Court, but both of them rejected the application of the accused. Thereafter, the accused moved another application before the Magistrate, relying on the judgment of the Supreme Court in *Bindeshwari Prasad v. Kali Singh*<sup>20</sup>. That judgment had held that no criminal court had an inherent jurisdiction not provided for in the Code. Accepting the application of the accused, the Magistrate dropped the proceedings against the accused. This time, it was the complainant who was aggrieved by the order of the Magistrate and he filed a revision petition before the Sessions Judge, which was accepted and the order of the Magistrate, dropping the proceedings, was set aside. The complainant aggrieved by the order of the Magistrate, filed a revised petition before the Sessions Court. The accused approached the Delhi High Court by way of petition under article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973. The petition was dismissed in limine by the High Court. The accused filed an appeal before the Supreme Court. The Supreme Court allowed the appeal and observed:—

“What the court has to see, is *not* whether the Code of Criminal Procedure contains any provision prohibiting a Magistrate from entertaining an application to restore a dismissed

complaint but the task should be to find out whether the said Code contains any provision enabling a Magistrate to exercise an inherent jurisdiction which he otherwise does not have. It was relying upon this decision that the Delhi High Court in this case directed the Magistrate to recall the order of dismissal of the complaint. The Delhi High Court referred to various decisions dealing with section 367 of the Criminal Procedure Code (of 1898) as what should be the contents of a judgment. In our view, the entire discussion is misplaced. So far as the accused is concerned, *dismissal of a complaint for non appearance of the complainant or his charge or acquittal on the same ground is a final order and in the absence of any specific provision in the Code, a Magistrate cannot exercise any inherent jurisdiction*”.

In the course of its judgment, (in paragraphs 9 and 10) the Supreme Court (apparently referring to the Code of 1973), made the following observations:—

“9. Section 249 of the Criminal P. C. enables a Magistrate to discharge the accused when the complainant is absent and when the conditions laid down in the said section are satisfied. S. 256(1) of the Criminal P. C. enables a Magistrate to acquit the accused if the complainant does not appear. Thus, the order of dismissal of a complainant by a criminal court due to the absence of a complainant is a proper order. But the question remains whether a Magistrate can restore a complaint to his file by revoking his earlier order dismissing it for the non-appearance of the complainant and proceed with it when an application is made by the complainant to revive it. A second complaint is permissible in law, if it could be brought within the limitations imposed by this Court in *Pramatha Nath Taluqdar v. Saroj Ranjan Sarkar*, 1962 Supp. (2) SCR 297 : (AIR 1962 SC 876) filing of a second complaint is not the same thing as reviving a dismissed complaint after recalling the earlier order of dismissal. The Criminal P. C. does not contain any provision enabling the criminal Court to *exercise such an inherent power*”.

3-20. **What flows from aforesaid judgments of Supreme Court:**—It would appear from the above resume of Supreme Court decisions, that the resultant position is as under:—

- (1) *An Appeal cannot be dismissed for default. It must be disposed of on merits whether*

- or not the party or his advocate is present. (Supreme Court judgment of 1962).*
- (2) *An appeal once dismissed cannot be restored for rehearing under the inherent power of the High Court. (Supreme Court judgment of 1962).*
- (3) *Where a High Court has rendered a judgment or rejected a revisional application by a signed order, it cannot review the same. (Supreme Court judgment of 1979).*
- (4) *Nor can the High Court do so in exercise of its inherent power. (Supreme Court judgment of 1979).*
- (4A) *Subordinate criminal courts do not possess inherent powers. (Supreme Court judgment of 1977).*
- (5) *Apparently, the same is the position regarding dismissal of a criminal case for default pursuant to a signed order in this behalf. (Supreme Court judgment of 1979).*
- (6) *A signed order of a Magistrate dismissing a complaint or an order discharging the accused for default of the complainant, is a final order. (Supreme Court judgment of 1986).*
- (7) *An order so passed for default cannot be disturbed by restoring the case under the inherent power, in face of the express prohibition against alteration of judgment or final order embodied in section 362 of the Code of 1973. (Supreme Court judgment of 1986).*
- (8) *SUCH ORDER OF DISMISSAL FOR DEFAULT CAN BE SET ASIDE, IF AT ALL, ONLY BY THE HIGHER COURT OF APPEAL, OR REVISION. (SUPREME COURT JUDGMENT OF 1986).*

## CHAPTER IV

### POSITION IN RELATION TO DISMISSAL FOR DEFAULT OF MAINTENANCE CASES AND THE RESTORATION THEREOF

4.1. **Section 125 Cr. P. C. 1973:**—At this stage, we would like to deal in brief with proceedings for maintenance under section 125, Code of Criminal Procedure, 1973 (Code). These proceedings, though they are dealt with by Magistrates under the Code in substance partake of the character of civil proceedings.

4.2. **A Punjab case as to maintenance:**—In 1989, in a case before the Punjab and Haryana High Court<sup>1</sup> the question arose whether the Judicial Magistrate could restore the execution application of an order under section 125, Code of Criminal Procedure, 1973, which was dismissed in default for non-appearance of the petitioner. The Judicial Magistrate, Rajpura, had granted maintenance under section 125, Code of Criminal Procedure, 1973, in favour of Kamla Devi of Banur (District Patiala) and her two minor children, from her husband Mahma Singh. Because of non-payment of the maintenance amount, the wife filed an execution application which was dismissed in default as she and her counsel could not appear before the court. On her application, the execution application was restored by the Judicial Magistrate. On a revision filed by the husband before the Additional Sessions Judge, Patiala, a legal point was raised that the Magistrate could not restore the execution application because of the ban of section 362, Cr. P.C. 1973 which bars alteration in a judgment or final order. The plea raised by the husband was allowed by the Additional Sessions Judge. The wife preferred a petition in the High Court of Punjab and Haryana, in revision against this order. A Division Bench of the High Court held that the referred application could be restored. The High Court, relying upon the decision of the Supreme Court in *Savitri v. Govind Singh Rawat*<sup>2</sup> and the decisions of the Delhi High Court in *Prema Jain v. Sudhir Kumar Jain* and *Surhid Kamra v. Neeta*<sup>4</sup> held to the following effect :—

- (i) There is no specific provision in Chapter IX of the Code of Criminal Procedure dealing with application for grant of maintenance to wives, children and parents to dismiss such applications for non-appearance of the petitioner. Since such applications

are not to be *equated with criminal complaint* which necessarily are to be dismissed for non-appearance of the complainant in view of section 256 of the Code of Criminal Procedure, it is only in the exercise of inherent power of the court that for non-appearance of the petitioner, application under section 125 of the Code is dismissed. If that is so, there is no reason why there should not be inherent power with the court to restore such applications dismissed in default on showing sufficient cause by the petitioner for his non-appearance.

“The nature of the proceedings in Chapter IX of the Code is inherently concerning civil rights, i.e. grant of maintenance to wives, children and parents. All these orders passed under different provisions of Chapter IX, as briefly noticed above, are interim in nature and can be modified, varied or cancelled on the grounds mentioned therein. Furthermore, such orders are subject to final orders, if any, passed by the civil courts regarding grant of maintenance. The Code of Criminal Procedure provides a swift and speedy remedy to the petitioners claiming maintenance who are being neglected. It is only in the matter of implementation of such orders that a stringent provision is made for recovery of such amount as recovery of fine or by sending the person against whom order is made to imprisonment for a certain period till payment is made. This remedy cannot be throttled by procedural technicalities such as non-appearance of the petitioner on a particular day. Such non-appearance in a given case may be beyond the control of the petitioner. In other words, there may be sufficient and cogent reason for the petitioner not to put in appearance when the case was actually called. In such circumstances, not to restore the application dismissed in default would result in miscarriage of justice. On a sufficient cause being shown, the court would have inherent power in such like cases to restore such applications dismissed in default.”

4.3. It needs to be stressed that the order passed by the High Court sustaining the restoration may now become vulnerable in as much as the Supreme Court has declared in Bindeshwari's case<sup>5</sup> that a magistrate's court has no inherent powers. Complications are, therefore, inherent in the present situation and serious injustice is likely to ensue unless the law is amended pursuant to the recommendations we propose to make.

4.4. Effect of proposed amendment:—We may mention that the amendments<sup>6</sup> which are proposed to be recommended presently when accepted and acted upon will foreclose or shut the door for any future controversy in the context of the interpretation of the provisions pertaining to inherent powers of the concerned courts to restore such matters for the sake of promoting ends of justice.

## CHAPTER V

### POSITION IN REGARD TO ACQUITTAL IN THE CONTEXT OF COMPLAINANT'S NON-APPEARANCE IN SUMMONS CASES

5.1. **Position under section 256.**—Attention must be drawn to another analogous problem which arises out of section 256 of the Code of Criminal Procedure, 1973, appearing in Chapter 20, dealing with the trial of summons cases. Broadly speaking, cases relating to offences punishable with imprisonment up to two years would fall in this category. Under section 256(1), if, in a summons case not covered by the proviso, the complainant is absent on the date fixed for hearing, the Magistrate must acquit the accused, unless he thinks it proper to adjourn the hearing to another date. And the normal consequences of acquittal under the law follow.

5.2. **Absence of power of restoration.**—One of the consequences of the order of acquittal is that a second trial cannot be held for the same offence in view of the prohibition against double jeopardy. The only remedy available would be by way of an appeal against acquittal under section 378 of the Code. The conditions of that provision are, however, fairly stringent. In any case, since there would be no decision on the merits, the order of acquittal cannot be assailed on merits in the appellate forum and the order can be challenged solely in the context of the failure of the magistrate to adjourn the matter instead of dismissing the same for default. As the magistrate has no power<sup>1</sup> to restore a case dealt with under section 256(1), the resultant harm cannot be erased even if the complainant is subsequently able to establish that his absence on the date fixed for hearing was for sufficient cause. And in view of the order of acquittal and the attendant bar against double jeopardy even a fresh complaint may not be competent and the wrong would become irreversible and irreparable.

5.3. **Resultant hardship and need for amendment.**—The present position as summarized above causes avoidable hardship and may result in the acquittal of persons who are really guilty, since in cases not covered by the proviso such acquittal follows as a mandatory consequence (unless the case is adjourned) on the non-appearance of the complainant. Prima facie, it seems that in cases where the complainant had a reasonable cause for not

attending on the date of hearing, the magistrate should have power to set aside the acquittal and fix the matter for fresh hearing.

5.4.1. **Magnitude of consequences.**—In this connection, it would be useful to glance at the categorisation of cases as summons cases and warrant cases under the Code, in order to assess the magnitude of the consequences flowing from the absence of the power to restore the matter. A "Summons Case", as defined in section 2(v) of the Code, means a case relating to an offence and not being a warrant case. A "Warrant Case" as per section 2(x), means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years. Thus, all cases relating to offences punishable with imprisonment upto two years become summons cases triable under Chapter 20 of the Code which contains section 256.

5.4.2. A perusal of *Appendix-I* listing summons cases under Indian Penal Code and *Appendix-II* listing summons cases under some other Central Acts, would show that many of the offences triable as summons cases cannot be termed petty or trivial, either from the point of view of the aggrieved person or from the point of view of the community at large.

*A few illustrations may be useful.*—Thus, as regards the offences under the Indian Penal Code, the instance of simple cheating (section 417) may be cited. The punishment is imprisonment upto one year. It is non-cognizable. One can also cite the example of offence under section 427 (mischief) (causing damage of Rs. 50/- or more). Punishment is imprisonment upto two years. It is also non-cognizable. Even criminal intimidation (Section 506 first part) punishable with imprisonment upto two years is a summons case and non-cognizable. So also in regard to an offence under section 509 (insulting the modesty of a woman), carrying simple imprisonment upto one year. Although the offence is cognizable, yet it may happen that in practice, cognisance was taken on complaint of the woman. In all such cases the cognisance would have been taken only on a complaint and the aforementioned



consequences would follow in the event of the absence of the complainant.

5.4.3. Even in regard to offences under special laws, where the offence is cognizable, cognizance may have been taken by the court on a complaint. Thus, the Dowry Prohibition Act, 1961, section 8(1), makes the offences under that Act cognizable for certain purposes, but section 7(1)(b) of the same Act prohibits cognizance except on the knowledge of the court, police report or complaint

by the person aggrieved etc., or by a recognised welfare institution or organisation. Punishment for demanding dowry is imprisonment upto two years (section 4), so that the offence relating thereto becomes a summons case. In such cases, also non-appearance by the complainant or the welfare organisation will lead to acquittal.

Evidently, therefore, there exists the need to amend the law, so as to avoid injustice in all such cases.

## CHAPTER VI

### INHERENT POWERS

6.1. **Observations in 14th Report.**—The Law Commission in its 14th Report, while dealing with the question of inherent powers, recommended that such inherent powers of all criminal courts should be statutorily recognised. *The question regarding the restoration of the case dismissed for default was, however, not considered by the Law Commission in the said report.* The recommendations made by the Law Commission were to the following effect<sup>1</sup>:—

“12. The doctrine of inherent jurisdiction was for the first time given statutory recognition in the case of High Courts exercising criminal jurisdiction by the enactment of section 561-A in the Criminal Procedure Code in 1923. This section assumes the existence of such inherent power in the High Courts and provides that nothing in the Code is to be deemed to limit its inherent power to make such orders as would be necessary to give effect to any order under the Code or to prevent abuse of the process of any court or to otherwise secure the ends of justice. The inherent power, thus recognised, empowers the Court, *inter alia*, to prevent the abuse of the process not

only of the High Court but of any court. The High Court thus exercises its inherent jurisdiction not only in respect of proceedings before it but also in respect of proceedings in the subordinate court.

“13. *This statutory recognition, however, extends only to the inherent powers of the High Court.* One may compare it with the recognition of the inherent powers of all civil courts by section 151, Civil Procedure Code.

We reiterate the substance of the recommendation made in the earlier Reports, and recommend, that section 482 of the Code of Criminal Procedure, 1973 (which deals with inherent powers) should be amended for the purpose. However, we are of the view, that in actually formulating the amendment, the language employed should be affirmative, rather than negative as suggested in the earlier Reports. Because, what was then suggested was on the premise that even criminal courts did possess inherent powers, which premise no longer holds good in the light of the Supreme Court decision in Gauraya's case,<sup>3</sup>

## CHAPTER VII

### COMMISSION'S CONCLUSIONS AND RECOMMENDATIONS

#### FIRST RECOMMENDATION

7.1. Recommendation regarding empowering the courts to restore applications dismissed for default in appearance.—Having regard to the foregoing discussion, the Commission considers it eminently desirable that in order to promote the ends of justice, a provision should be incorporated in the Code of Criminal Procedure, 1973, as section 482A, enabling the restoration of a criminal revisional application, dismissed for default of appearance or some other default, where such default is due to sufficient cause. The new section may be on these lines:—

“482A. (1) Where an application invoking the revisional jurisdiction is dismissed for default of appearance of the applicant or his/her advocate or some other default, the court may, if it is satisfied that such person was prevented by sufficient cause from appearing, make an order setting aside the order of dismissal upon such terms as to costs or otherwise, as it thinks fit and shall appoint a day for proceeding with the application”.

“Provided that no such application for restoration shall be entertained after the expiry of a period of thirty days from the date on which the application was dismissed for default.

(2) No order shall be made under sub-section (1), unless notice of the application thereunder has been served on the opposite party.

#### SECOND RECOMMENDATION

7.2.1. Recommendation regarding restoration of a criminal case for default in appearance and consequential acquittal of the accused for non-appearance.—The Commission is further of the opinion that section 256 of the Code of Criminal Procedure, 1973, should be amended to effectuate the recommendations made in the earlier Chapter<sup>1</sup> in the light of the need for remedying the injustice inherent in the situation as spelt out earlier. *For, a meritorious complaint of a complainant cannot be allowed to be thwarted, only on the ground that the complainant was unable to remain present, even though there existed good and sufficient cause for such absence. Ends of justice demand that such a person should not be made to suffer injustice merely because he or she cannot afford to*

*approach the Supreme Court, which court is, in its turn, overburdened with work. The power to set aside the dismissal and restoring it will have, therefore, to be conferred on the criminal court for proceeding further in accordance with law.*

7.2.2. It will also be necessary to amend the provision regarding the nature of the consequential order. If a consequential order of acquittal as presently provided is passed, the same court cannot set it aside even whilst setting aside the order of dismissal forming the basis of the order of acquittal. Only the higher court can set aside the acquittal. To overcome this problem, it will, therefore, be appropriate to provide that the order passed is in the form of “termination of proceedings” and to further provide that it will have the effect of an order of acquittal unless the order of dismissal for default is set aside in pursuance of the power to restore conferred on the court.

7.2.3. The problem can be redressed by amending section 256 to incorporate the following points:—

- (a) the order to be passed under the section shall be an order terminating the proceeding having the same effect as an acquittal, unless it is set aside as provided in (b) below;
- (b) such order may (after notice to the accused) be set aside if the complainant, by an application made within 30 days, shows that there was sufficient cause for the non appearance of the complainant.

7.3. We suggest, that section 256 should be revised as under:

“256. *Non-appearance or death of complainant:—*

- (1) If the summons has been issued on complaint and, on the day appointed for the appearance of the accused, or on any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, terminate the proceedings, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day;

Provided that :

- (a) where the complainant is represented by a pleader or by the officer conducting the prosecution or
  - (b) where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may dispense with the attendance and proceed with the case.
- (2) The provisions of sub-section (1) shall, so far as may be, apply also to cases where the non-appearance of the complainant is due to his death.
  - (3) An order terminating the proceedings under sub-section (1) shall, subject to the provisions of sub-section (4), have the same effect as an order of acquittal.
  - (4) Where the proceedings are terminated under this section, the court may, if it is satisfied on the application of the complainant that he was prevented by sufficient cause from appearing, make an order setting aside the order of termination upon such terms, as to costs or otherwise, as it thinks fit and shall appoint a day for proceeding with the case.

Provided that no such application shall be entertained after the expiry of a period of thirty days from the date on which the proceedings were terminated.

- (5) No order shall be made under sub-section (4) unless notice of the application thereunder has been served on the accused".

### THIRD RECOMMENDATION

7.4. Amendment pertaining to conferment of inherent powers on the trial court as well.—Finally, having considered the earlier recommendation made in the 14th Report and reiterated in the 41st Report of the Commission, it is recommended that the provision relating to inherent powers of the Court to do justice etc. be expanded, so as to confer power on criminal courts other than the High Court. Otherwise, even a maintenance application under section 125 Cr. P.C. dismissed for default in appearance may not be restored on the reasoning that courts exercising jurisdiction under Cr. P.C. (except High Court) do not possess inherent powers. Our recommendation accordingly is that present section 482 of the Code may be renumbered as section 482(1) and a new sub-section should be added in that section, as under;—

*"(2) Criminal courts other than the High Court shall also have inherent powers to make such orders as may be necessary to prevent abuse of the process of the court or otherwise to secure the ends of justice."*

7.5. We recommend accordingly.

Sd/-  
(M.P. THAKKAR)  
CHAIRMAN

Sd/-  
(Y.V. ANJANEYULU)  
MEMBER

Sd/-  
(P.M. BAKSHI)  
MEMBER

Sd/-  
(MAHESH CHANDRA)  
MEMBER

Sd/-  
(G.V.G. KRISHNAMURTY)  
MEMBER SECRETARY.

NEW DELHI, DATED THE 30TH JULY, 1991.

## NOTES AND REFERENCES

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19. A. S. Gauraya v. S. N. Thakur, (1986) Cri. L.J. 1074 (SC) : 1986 (2) SCC 709.
20. Bindeshwari Prasad v. Kali Singh, AIR 1977 SC 2432.

### CHAPTER IV

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### CHAPTER VI

1. Law Commission of India, 14th Report (Reform of Judicial Administration), pages 820-821, paras 1 to 3.
2. Law Commission of India, 41st Report (The Code of Criminal Procedure, 1988), page 359, para 46-23.
3. A. S. Gauraya v. S. N. Thakur, (1986) Cri.L. J. 1074 (SC) : 1986 (2) SCC 709.

### CHAPTER VII

1. Chapter V, supra.

APPENDIX I

SECTIONS OF THE INDIAN PENAL CODE, OFFENCES  
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**Armed Forces**  
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## LIST OF SUMMONS CASES UNDER OTHER ACTS

S. No.	Acts	Section(s)	Offence(s)	Penalty
1	2	3	4	5
1.	Advocates Act, 1961	45	Penalties for persons illegally practising in Courts and before other authorities.	Imprisonment upto 6 months
2.	Agricultural Produce (Grading and Marking) Act, 1937.	4	Penalty for unauthorised marking with grade designation mark.	Fine upto Rs. 500/-
		5	Penalty for counterfeiting grade designation mark.	Imprisonment upto two years or fine or both.
3.	Agricultural Produce Corporation Act, 1956.	48	Using the name of the Warehousing Corporation in any prospectus or advertisement with written consent of the Corporation.	Imprisonment upto six months or fine upto Rs. 1000/- or both.
4.	Air Corporation Act, 1959.	43	Penalty for wrongful withholding of property of the Corporation.	Imprisonment upto one year or fine upto Rs. 1000/-.
5.	Air Craft Act, 1934	10	Penalty for acts in contravention of rules made under the Act.	Imprisonment upto 2 years and fine.
		11	Penalty for flying so as to cause danger.	Imprisonment upto a period of six months or fine upto Rs. 1000/- or with both.
		11A	Penalty for failure to comply with directions issued u/s 5A of the Act.	Do.
		11B	Penalty for failure to comply with directions issued u/s 9A of the Act.	Do.
		12	Penalty for abetment of offences.	Same as for the offences.
6.	Ancient Monuments and Archaeological Sites and Remains Act, 1958.	30	Penalty for destruction, removal, injuring a monument, etc.	Imprisonment upto three months or fine upto Rs. 500/- or both.
7.	Ancient Monuments Preservation Act, 1904.	16	Penalty for destruction, removal, injuring, etc. the ancient monuments.	Imprisonment upto three months or fine upto Rs. 5000/- or both.
8.	Architect Act, 1972.	36	Penalty for falsely claiming to be registered.	Fine upto Rs. 1000/-.
		37	Penalty for using title of Architect by unregistered persons/firms.	<i>1st Offence</i> Fine upto Rs. 500/-. <i>2nd and subsequent offence</i> Imprisonment which may extend to six months or fine upto Rs. 1000/- or both.
		38	Penalty for failure to surrender Certificate of registration.	Fine upto Rs. 100/-.

1	2	3	4	5
9. Arms Act, 1959.	25(2)	Penalty for acquiring, possessing or carrying any fire arm in contravention of Section 9(a)(i)		Imprisonment upto one year or fine or both.
	25(3)	Failure to intimate the sale or transfer of fire arm.		Imprisonment upto 6 months or fine upto Rs. 500/- or both.
	25(4)	Failure to deliver licence when required.		Do.
	25(5)	Failure to disclose name or address or giving a false name and address.		Imprisonment upto 6 months or fine upto Rs. 200/- or both.
	29	Purchase of arm from unauthorised person or delivering of any arm to an unauthorised person.		Imprisonment upto 6 months and fine upto Rs. 500/- or both.
	30	Contravention of licence or provision of the Act or rule for which no punishment is provided in the Act.		Imprisonment upto three months or fine upto Rs. 500/- or both.
	31	Penalty for subsequent offences.		Double the penalty provided for the offence.
10. Bombay Companies Act, 1949	46(2)	Failure to produce any book, account or other document by a person having the duty to produce.		Fine upto Rs. 2000/-
	46(3)	Deposit in contravention of an order.		Fine to the extent of twice the amount of deposit.
	46(4)	Contravention of any provision of the Act, rule or direction.		Fine upto Rs. 2000/-.
11. Indian Boilers Act, 1923	22	Failure or refusal of an owner of Boiler to :		Fine upto Rs. 100/-
		(i) surrender a provisional order:		
		(ii) produce the certificate or provisional order when called upon to do so;		
		(iii) to make over to the new owner of a boiler a certificate or provisional order.		
	23	Illegal use of boiler		Fine upto Rs. 500/-
	24	Other penalties		Fine upto Rs. 500/-
25	Tampering with register mark		Do.	
12. Cantonments Act, 1924	118	Causing nuisance		Fine upto Rs. 50/-
	119(5)	Allowing the dog to be at large in street		Fine upto 100/-.
	119(6)	Keeping Ferocious dogs		Fine upto 200/-.
	124(2)	Use of cinematograph instrument in unlicensed premises.		Do.
	125	Letting of fire works causing danger.		Fine upto 50/-.



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		184	Illegal erection and re-erection	Fine upto 500/-.
		193	Destroying or tampering with number or names.	Fine upto Rs. 25/-.
		213	Carrying on trade without licence	Fine upto Rs. 200/-.
13.	Cardamom Act, 1965	21	Contravention of order controlling the import or export of cardamom.	Imprisonment upto one year or fine or both.
		23	Making of false returns	Fine upto Rs. 500/-
		24	Penalties for obstruction to officer or member of board in the discharge of duty.	Imprisonment upto six months or fine upto Rs. 1000/- or both.
		25	Contravention of price control	Do.
		26	Other penalties for contravention of the provision of the Act not specifically provided	Do.
14.	Cattle Trespass Act, 1871.	24	Forcibly opposing the seizure of or rescuing the cattle.	Imprisonment upto six months or fine upto Rs. 500/- or both
		26	Damage caused to land, crops, or public roads by Pigs.	Fine Rs. 10/-
		27	Failure of keeper to perform duties	Fine upto Rs. 50/-.
15.	Census Act, 1948	11(1)	Failure to perform duties under the act or obstruction, etc.	Imprisonment upto six months and fine upto Rs. 1000/-.
		11(2)	Abetment	Fine upto Rs. 1000/-.
16.	Central Excise and Salt Act, 1944.	17	Connivance at offences	Imprisonment upto six months or fine upto Rs. 500/- or both.
		22	Vexations search, seizure etc. by Central Excise Officer Giving of false information leading to arrest or search	Fine upto Rs. 2000/- Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
		23	Failure of officer to perform duty.	Imprisonment for 3 months or fine upto three months' pay or both.
		24	Carrying of excisable goods in a vessel other than prescribed.	Imprisonment upto six months or fine upto Rs. 1000/- or both.
		27	Obstruction to officers.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
17.	Central Industrial Security Force Act, 1968.	18	Neglect of duty.	Imprisonment upto 6 months
18.	Central Reserve Police Act, 1949.	10	Offences by member of the force.	Imprisonment upto one year or fine upto three months' pay or both.
19.	Central Silk Board Act, 1948.	14	Filing of false return, failure to produce record or obstruction to any officer of the Board.	Imprisonment upto one year or fine upto Rs. 1000/- or both.

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20.	Child Marriage Restraint Act, 1929.	3	Adult male (above 18 years of age but below 21 years) marrying a child.	Imprisonment upto 15 days or fine upto Rs. 1000/- or both.
		4	Male adult above 21 years of age marrying a child.	Imprisonment upto three months and fine.
		5	Soleminising a child marriage	Do.
		6	Penalty for parent/guardian concerned in child marriage.	Do.
21.	Children Act, 1960.	41	Cruelty to child	Imprisonment upto 6 months or fine or both.
		42	Employment of children for begging.	Imprisonment upto 1 year or fine or both.
		43	Giving intoxicating liquor or dangerous drug to a child.	Fine upto Rs. 200/-
		44	Exploitation of child employees	Fine upto Rs. 1000/-.
22.	Cinematograph Act, 1950	14	Using or permitting the use of Cinematograph or premises in contravention of Act or rules.	Fine upto Rs. 1000/-.
23.	Citizenship Act, 1955	17	Making of false representation	Imprisonment upto six months or fine or both.
24.	Civil Defence Act, 1968	11	Neglect/refusal to discharge functions.	Fine upto Rs. 500/-
25.	Commission of Enquiry Act, 1952	10-A	Acts calculated to bring the Commission or any number thereof into disrepute.	Imprisonment upto 6 months or fine or both.
26.	Copyright Act, 1957	65	Possession of plates for purpose of making infringing copies.	Imprisonment upto two years and fine.
		67	Making of false entries	Imprisonment upto one year or fine or both.
		68	Making of false statements.	Do.
27.	The Dramatic Performance Act, 1876	6	Disobeying prohibition	Imprisonment upto three months or fine or both.
28.	Drugs and Cosmetics Act, 1940.	27A	Manufacture, sale, etc. of cosmetics in contravention of Chap IV and rules.	Imprisonment upto one year or fine upto Rs. 500/- or both.
		28	Non-disclosure of the names of manufacturer.	Do.
		29	Using Report of Analyst for advertising.	Fine upto Rs. 500/-.
29.	Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.	7	Contravention of the provisions of the Act.	Imprisonment upto six months or fine or both.

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30.	Indian Electricity Act, 1910.	40	Maliciously wasting energy or injuring work.	Imprisonment upto 2 years or fine upto Rs. 1000/- or both.
		41	Unauthorised supply of energy by non-licenses.	Fine upto Rs. 3000/-
		42	Illegal or defective supply or for non-compliance with order.	Fine upto Rs. 1000/-
		43	Illegal transmission or use of energy.	Fine upto Rs. 500/-
		44	Interference with meters, etc.	Do.
		45	Extinguishing public lamps.	Fine upto Rs. 300/-
		46	Negligently wasting energy.	Fine upto Rs. 200/-
		47	Penalty for offences not otherwise provided for.	Fine upto Rs. 100/-
31.	Electricity (Supply) Act, 1948.	77	Failure to comply with or give effect to any direction, order or requirement.	Fine upto Rs. 500/-
32.	Emblems and Names (Prevention of Improper Use) Act, 1950.	5	Improper use of prohibited names and emblems for any trade, business, etc.	Fine upto Rs. 500/-
33.	Enemy Property Act, 1968	20(1)	Payment made to enemy, enemy subject or firm.	Imprisonment upto 6 months or fine or both.
		20(2)	Non-registration of securities in terms of orders of the Custodian.	Do.
		20(3)	Non appearance before custodian when called upon to give information or produce record.	Fine upto Rs. 500/-
		20(4)	Non submission of returns of enemy properties.	Do.
34.	Indian Explosives Act, 1884.	9B(1)(b)	Possession, use, sale or transport of explosive in contravention of the rules made under the Act or condition of licence.	Imprisonment upto 2 years or fine upto Rs. 3000/- or both.
		9(B)(1)(C)	Any other contravention	Fine upto Rs. 1000/-
35.	Factories Act, 1948.	92	Contravention of any provision of the Act or the rules.	Imprisonment upto 3 months or fine upto Rs. 2000/- or both.
		94	Second or subsequent offence u/s 92	Imprisonment upto 6 months or fine upto Rs. 5000/- or both.
		95	Causing obstruction of Factory Inspector.	Imprisonment upto 3 months or fine upto Rs. 500/- or both.
		96	Wrongful disclosure of result of analysis.	Do.
		97	Contravention of any provision by worker.	Fine upto Rs. 20/-
		98	Using false certificate of fitness.	Imprisonment upto one month or fine upto Rs. 50/- or both.

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		99	Permitting double employment of child.	Fine upto Rs. 50/-
36.	Indian Fisheries Act, 1897	4	Destruction of fish by explosives in inland waters and on coasts.	Imprisonment upto 2 months or fine upto Rs. 200/-
		5	Destruction of fish by poisoning of waters.	Do.
37.	Foreign Exchange Regulation Act, 1973.	57	Contravention of the order made by adjudicating officer, Appellate Board or High Court.	Imprisonment upto 2 years or fine or both.
		58(1)	Vexatious search by officers of Enforcement.	Fine upto Rs. 2000/-
		58(2)	Giving of false information thereby causing arrest or search.	Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
38.	Indian Forest Act, 1927.	62	Wrongful seizure of property.	Imprisonment upto six months or fine upto Rs. 500/- or both.
		41	Breach of rules regarding transportation of timbers.	Do.
		63	Counterfeiting or defacing marks on trees and timbers.	Imprisonment upto 2 years or fine or both.
		33	Illicit felling of trees, illegal breaking up of forest land, etc.	Imprisonment upto 6 months or fine upto Rs. 500/- or both.
39.	Foreign Contribution (Regulation) Act, 1976.	25	Offences of failure to comply with the provisions of the Act, for which no separate punishment has been provided.	Imprisonment upto 1 year or fine upto Rs. 1000/- or both.
40.	Forward Contracts (Regulation) Act, 1952.	20	Contravention of provisions of Chapter IV of the Act.	Imprisonment upto one year or fine or both.
		20	Owning or keeping place used for entering into forward control in goods.	Imprisonment upto 2 years or fine or both.
41.	Gold Control Act, 1968.	86	Failure to make declaration.	Do.
		87	Failure to submit returns.	Do.
		90	Allowing premises to be used as refinery.	Imprisonment upto one year or fine or both.
		91	Contravention of the provisions of the Act for which no separate punishment is provided for.	Imprisonment upto 3 months or fine or both.
		94	Wrongful seizure of property	Fine upto Rs. 2000/-
		95(1)	Failure of Gold Control Office to perform duties.	Imprisonment upto one year or fine or both.
		96	Giving of false information leading to arrest, search or seizure.	Imprisonment upto two years or fine or both.
42.	Import and Export (Control) Act, 1947.	5A	Contravention or order made by adjudicating authority and Appellate Authority.	Do.

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43.	Industrial Disputes Act, 1947.	26	Illegal strikes and lockouts.	Imprisonment upto one month or fine upto Rs. 1000/- or both.
		27	Penalty for mobilisation to take part in strike, etc.	Imprisonment upto one month or fine upto Rs. 1000/- or both.
		28	Financial aid to illegal strikes and lockouts.	Do.
		29	Breach of settlement or Award.	Imprisonment upto 6 months or fine or both.
		30	Disclosing of confidential information.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
		30A	Closing down of undertaking with complying with provision of the Act.	Imprisonment upto 6 months or fine upto Rs. 5000/- or both.
		31	Other offences under the Act.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
44.	Insecticides Act, 1968.	29	Import, manufacture, sale distribution, use of insecticides in contravention of the provision of the Act.	Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
45.	Lepers Act, 1898	11	Employing lepers in prohibited trade	Fine upto Rs. 50/-.
46.	Levy Sugar Price Equalisation Fund Act, 1976.	13	Default in crediting the fund, any excess realisation or failure to maintain or produce accounts, record and to furnish information.	Imprisonment upto 2 years or fine upto Rs. 5000/- or both.
47.	Indian Lunacy Act, 1912.	92	Improper reception or detention of lunatics.	Imprisonment upto 2 years or fine or both.
48.	Marking of Heavy Packings Act, 1951.	4	Failure to mark weight on the heavy packings for transport by sea or inland water.	Fine upto Rs. 500/-.
49.	Maternity Benefit Act, 1961.	21	Contravention of the provision of the Act by employer.	Imprisonment upto 3 months or fine upto Rs. 500/- or both.
		22	Obstructing the Inspector.	Do.
50.	Indian Medical Degree Act, 1916.	5	Conferment of degree, etc. in a wrongful manner.	Fine upto Rs. 500/-.
		6	Falsely assuming or using medical titles.	Fine upto Rs. 250/-.
51.	Medical and Toilet Preparations (Excise Duty) Act, 1955.	7	Production or manufacture of dutiable goods with licence, or evading excise duty or failure to supply information.	Imprisonment upto 6 months or fine upto Rs. 2000/- or both.

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		13	Connivance at the offence under the Act	Imprisonment upto 6 months and fine upto Rs. 500/- or both.
		17(1)	Wrong seizure by Excise Officer.	Fine upto Rs. 2000/-.
		17(2)	Wrong information leading to arrest, etc.	Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
		18	Failure of Excise Officer in performing duty.	Imprisonment upto 3 months or fine upto 3 months' pay or both.
52.	Metal Token Act, 1889	4	Use or possession of metal token as coins.	Imprisonment upto one year or fine or both.
		8	Receipt of any metal as coin by local authorities or railway.	Fine upto Rs. 10/-
53.	Motor Transport Workers Act, 1961	29(1)	Obstructing the Inspector in performance of duty.	Imprisonment upto 3 months or fine upto Rs. 500/- or both.
		29(2)	Failure to produce record.	Do.
		30	Using false certificate of fitness.	Imprisonment upto one month or fine upto Rs. 50/- or both.
		31	Contravention of provision regarding employment of motor Transport workers.	Imprisonment upto 3 months or fine upto Rs. 500/- or both.
		32	Other offences.	Do.
54.	Dangerous Machines (Regulation) Act, 1983	31	Contravention of any provision of the Act or rule or order under the Act.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
55.	Emigration Act, 1983	24(1)	Illegal emigration, furnishing of false information, disobeying the orders, charge of excess amount from emigrants, or cheating an emigrant.	Imprisonment upto 2 years and fine upto Rs. 2000/-.
		24(2)	Attempt to commit above offence.	Do.
		24(4)	Abetment.	Do.
		24(3)	Contravention of any term or condition of emigration clearance.	Imprisonment upto one year or fine upto Rs. 2000/- or both.
56.	Intelligence Organisations (Restrictions of Rights) Act, 1985	4	Contravention of restrictions to form association, freedom of speech, etc.	Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
57.	National Services Act, 1972	26	Contravention of the provision for which no penalty prescribed separately under the Act.	Fine upto Rs. 500/-.
58.	Northern India Canal and Drainage Act, 1873	70	Causing damage, alteration or obstruction or interference etc. with canal or drainage work.	Imprisonment upto one month or fine upto Rs. 50/- or both.

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59. Northern Indian Ferries Act, 1879	21	Breach of provision as to table and list of tolls.	Fine upto Rs. 50/-.	
	22	Taking unauthorised toll.	Fine upto Rs. 100/-.	
	23	Breach of rules.	Do.	
	25	Offence by passengers, i.e. avoiding payment of toll, obstruction, etc.	Fine upto Rs. 50/-.	
	26	Maintaining private ferry within prohibited area.	Fine upto Rs. 500/-.	
	28	Rash navigation and staking of timber.	Imprisonment upto 3 months or fine upto Rs. 500/- or both.	
60. Notaries Act, 1952	12	Falsely representing to be Notary.	Imprisonment upto 3 months or fine or both.	
61. Obstruction in Fairways Act, 1881	9	Breach of rules.	Imprisonment upto six months or fine upto Rs. 500/- or both.	
62. Orphanages and other Charitable Homes (Supervision and control) Act, 1960	24	Contravention of the provisions of the Act, rules, regulation direction or order.	Imprisonment upto 3 months or fine upto Rs. 250/- or both.	
63. Passport Act, 1967	12(1)	Furnishing false information, failure to produce passport, using passport of another person, etc.	Imprisonment upto 6 month's or fine upto Rs. 2000/- or both.	
	12(2)	Abetment.	Do.	
	12(3)	Contravention of a condition of passport of travel document.	Imprisonment upto 3 months or fine upto Rs. 500/- or both.	
64. Indian Patent and Designs Act, 1911	78	Wrongful use of words 'Patent Office'.	Fine upto Rs. 200/-.	
	78E	Contravention of directions.	Imprisonment upto 2 years or fine or both.	
65. Petroleum Act, 1934	23	Contravention of the provision of the Act or the rules.	Imprisonment upto one month or fine upto Rs. 1000/ or both.	
66. Petroleum Pipelines (Acquisition of right of user of land) Act, 1962	15	Causing obstruction to any person doing an act under the Act.	Imprisonment upto 6 months or fine or both.	
67. Pharmacy Act, 1948	41	Falsely claiming to be registered.	Imprisonment upto 6 month or fine upto Rs. 1000 or both.	
	42(2)	Dispensing by unregistered persons	Do.	
	43	Failure to surrender certificate of registration.	Fine upto Rs. 50/-.	
68. Poisons Act, 1919	6	Unlawful importation, etc.	Fine upto Rs. 500/- (conviction) Imprisonment upto 6 months or fine upto Rs. 1000/- or both (second or subsequent conviction).	

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69. Police Act, 1861		19	Refusal to serve as special Police Officer.	Fine upto Rs. 50/-.
		28	Refusal to deliver up certificates, etc. on ceasing to be a police officer.	Imprisonment upto 6 months or fine upto Rs. 200/- or both.
		29	Neglect of duty.	Imprisonment upto 3 months or fine upto 3 months pay or both.
		32	Disobeying the orders or violation of conditions of a licence.	Fine upto Rs. 200/-.
		34	Offences on roads, i.e. causing obstruction, inconvenience, etc.	Imprisonment upto 8 days or fine upto Rs. 50/-.
70. Police Forces (Restriction of Right) Act, 1966		4	Convention of restriction to form, association, freedom of speech, etc.	Imprisonment upto 2 years or fine upto Rs. 2000/- or both
71. The Police (Incitement to Dissatisfaction) Act, 1922		4	Causing dissatisfaction amongst the members of police force.	Imprisonment upto 6 months or fine upto Rs. 200/- or both.
72. Indian Ports Act, 1908		10	Obstruction within limits.	Fine upto Rs. 100/-.
		13	fooling of Govt. moorings.	Do.
		15	Obstruction to conservator or his assistants, to board vessels or enter building.	Fine upto Rs. 200/-.
		16	Refusal to place member of the crew at the disposal of the conservator.	Fine upto Rs. 25/-.
		19	Injuring buoys, beacon and moorings	Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
		20	Wilfully loosening vessel from moorings.	Imprisonment upto 6 months or fine upto Rs. 200/- or both.
		21	Improperly descharging ballast.	Imprisonment upto 2 months and fine upto Rs. 500/-.
		22	Drawing vessel within prohibited limits.	Fine upto Rs. 500/-.
		25	Boiler Ditch on board vessel within prohibited limits.	Fine upto Rs. 200/-.
		24	Drawing spirit by unprotected artificial light.	Fine upto Rs. 200/-.
		25	Contravening of direction as to warping.	Do.
		26	Leaving out warp or hanger after sunset.	Do.
		27	Discharge of Fire-arms in port.	Fine upto Rs. 50/-.
		28	Master omitting to take order to extinguish fire.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
		29	Search by unauthorised person.	Fine upto Rs. 100/-.
30	Removing stores or injuring shores.	Do.		



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		31	Moving vessel without Pilot or permission of harbour master.	Fine upto Rs. 200/-.
		32	Absence of fire extinguishing apparatus.	Fine upto Rs. 500/-.
		51	Failure to hoist number of vessel	Fine upto Rs. 1000/-.
		53	Disobedience by Pilot.	Fine upto Rs. 500/-.
		54	Disobedience, rule or order under the Act.	Fine upto Rs. 100/-.
73.	Post Office Act, 1898	49	Misconduct of persons employed to carry on deliver mail.	Fine upto Rs. 50/-.
		50	Withdrawal from duty without permission or notice, of person employed to carry or deliver mail.	Imprisonment upto one month or fine upto Rs. 50/- or both.
		67	Detaining or opening of mail bag in the course of transmission.	Fine upto Rs. 200/-.
		68	Retaining or wrongly delivering mail bags.	Imprisonment upto 2 years and fine.
		69	Unlawful diverting letters.	Imprisonment upto 6 months or fine upto Rs. 500/- or both.
		70	Abettment of offences under the Act.	Same sentence as provided under the Act for the offences.
74.	Indian Power Alcohol Act, 1948.	7	Contravention of the provisions of the Act or any order issued thereunder.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
75.	Press and Registration of Books Act, 1867	12	Printing of book without giving the name of the printer, publisher and the place of printing/publication.	Imprisonment upto 6 months or fine upto Rs. 2000/- or both.
		13	Keeping a press without making a declaration.	Do.
		14	Making false statement.	Do.
		15	Printing or publishing newspaper without conforming to rules.	Do.
		16	Non-delivery of books or non-supply of maps to the printer.	Fine upto Rs. 50/-.
		16A	Failure to supply newspaper gratis.	Fine upto Rs. 50/- for each default.
		16B	Failure to supply copies of newspaper to Press Registrar.	Fine upto Rs. 50/- for each default.
		19K	Failure to furnish annual reports and returns.	Fine upto Rs. 500/-.
		19L	Improper disclosure of information.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
76.	Press (Objectionable Matters) Act, 1951	26	Keeping press or publishing newspapers and without making a depot.	Imprisonment upto 6 months or fine upto Rs. 2000/- or both.

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		27	Disseminating unauthorised newspapers and unauthorised news sheet.	Imprisonment for six months or fine or both.
77.	Prevention of Cruelty to Animals Act, 1960	11	Treating animals with cruelty.	Fine upto Rs. 50/-.
		12	Protecting Phooka or doom-dev on cow or other milch animal.	Imprisonment upto 2 years or fine upto Rs. 1000 or both.
		20	Contravention of the order or condition imposed by the Committee constituted under the Act.	Fine upto Rs. 200/-.
		26	Exhibition or training of animals etc. by a person not registered under the Act.	Fine upto Rs. 500/-.
78.	Prevention of Seditious Meetings Act, 1911	6	Holding of public meetings in contravention of the Act.	Imprisonment upto 6 months or fine or both.
		7	Delivery of speeches in public places without permission.	Do.
79.	Prisoners Act, 1894	41	Introduction or removal of prohibited articles into or from person and communication with prisoners.	Imprisonment upto 6 months or fine upto Rs. 200/- or both.
		54	Offences by prison subordinates.	Imprisonment upto three months or fine upto Rs. 200/- or both.
80.	Prize Chits and Money Circulation Schemes (Banning) Act, 1978	5	Taking of steps to promote or conduct of any prize chits or money circulation scheme in contravention of the Act.	Imprisonment upto two years or fine upto Rs. 3000/- or both.
81.	Prize Competitions Act, 1955	9	Promoting any prize competition in contravention of the Act.	Imprisonment upto three months or fine upto Rs. 1000/- or both.
		10	Failure to keep and submit the amount.	Imprisonment upto one month or fine upto Rs. 500/- or both.
		11	Taking of steps to promote or conduct prize competition in contravention of the Act.	Imprisonment upto 6 months or fine upto Rs. 500/- or both.
82.	Protection of Civil Rights Act, 1955	3	Enforcing religious disabilities.	Imprisonment upto six months and fine upto Rs. 500/-.
		4	Enforcing social disabilities.	Do.
		5	Refusal to admit persons to hospitals, etc.	Do.
		6	Refusal to sell goods or render services.	Do.
		7	Other offence arising out of untouchability.	Do.
		7A	Unlawful compulsory labour.	Do.

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83. Public Gambling Act, 1867		3	Owning or keeping or having charge of gaming houses.	Imprisonment upto 3 months or fine upto Rs. 2000/.
		4	Presence in gaming house for the purpose of gaming.	Imprisonment upto one month or fine upto Rs. 100/-.
		7	Giving false names and addresses.	Imprisonment upto one month or fine upto Rs. 500/-.
		13	Gaming and setting birds and animals to fight in public street.	Imprisonment upto one month or fine upto Rs. 50/-.
84. Public Premises (Eviction of Unauthorised Occupants) Act, 1971		11	Unauthorised reoccupation of the premises by the evicted person.	Imprisonment upto one year or fine upto Rs. 1000/ or both.
85. Indian Railways Act, 1890		99	Breach of duty by a railway servant.	Fine upto Rs. 20/-.
		100	Railway servant found in state of intoxication.	Imprisonment upto 2 years or fine upto Rs. 500/- or both.
		100A	Abandoning trains without authority.	Imprisonment upto 2 years or fine upto Rs. 500/- or both.
		100B	Obstructing running of trains.	Imprisonment upto 2 years or fine upto Rs. 500/- or both.
		101	Railway servant while on duty endangering the safety of persons	Do.
		102	Compelling passengers to enter carriages already full.	Fine upto Rs. 20/-.
		103	Omission to give notice of accident.	Fine upto Rs. 50/-.
		104	Railway servants obstructing level crossings.	Fine upto Rs. 20/-.
		105	Submission of false returns	Imprisonment upto 1 year or fine upto Rs. 500/- or both.
		106	Giving false account of goods	Fine upto Rs. 150/- for every quintal or part thereof.
		107	Unlawfully bringing dangerous or offensive goods upon a railway.	Fine upto Rs. 500/-.
		108	Interfering with means of communication in a train.	Imprisonment upto 3 months or fine upto Rs. 250/- or both.
		109	Entering compartment reserved or already full or resisting entry into a compartment not full.	Fine upto Rs. 20/-.
		110	Smoking without consent of the fellow passenger.	Fine upto Rs. 20/-.
		111	Defacing public notices.	Fine upto Rs. 50/-.
		112	Travelling or attempting to travel without a proper pass or ticket.	Imprisonment upto 3 months or fine upto Rs. 100/-.
114	Unauthorised sale of tickets	Imprisonment upto 3 months or fine upto Rs. 250/-.		
116	Altering or defacing pass or ticket.	Do.		

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		117(1)	Travel by a person from infectious or contagious disorder.	Fine upto Rs. 20/-.
		117(2)	Railway servant permitting such person to travel.	Fine upto Rs. 100/-.
		118	Entering carriage in motion or otherwise improperly travelling on a railway.	Imprisonment upto one month or with fine upto Rs. 50/- or both.
		119	Entering carriage or other place reserved for females.	Fine upto Rs. 100/-.
		120	Drunkenness or nuisance on a railway.	Fine upto Rs. 50/-.
		120A	Convassing or hawking on railway	Fine upto Rs. 250/-.
		121	Obstructing a railway servant on the duty.	Imprisonment upto six months or fine upto Rs. 500/- or both.
		122	Trespass and refusal to desist from Trespass.	Imprisonment upto 3 months or fine upto Rs. 150/- or both.
		123	Disobedience of omnibus, tramcar carriage or other carriage's driver or conduct to obey directions of railway servant or police.	Fine upto Rs. 20/-.
		124	Opening or not properly shutting gates or level crossing.	Fine upto Rs. 50/-
		125	Cattle trespass on railway area.	Fine upto Rs. 10/- per cattle in addition to the amount recoverable under Cattle Trespass Act.
		129	Endangering safety of persons travelling by railway, by roads or negligent out or omission.	Imprisonment upto 1 year or fine or both.
86.	Railway Protection Force Act, 1957	17	Neglect of duty by members of the force.	Imprisonment upto 6 months
87.	Reformatory Schools Act, 1897	27	Introduction or removal or supply of prohibited articles and communication with youthful offenders.	Imprisonment upto 6 months or fine upto Rs. 200/- or both.
		28	Abetting escape of youthful offender.	Do.
88.	Registration of Births and Deaths Act, 1969	23(1)	Failure to give information regarding births/deaths or any other information required under the Act.	Fine upto Rs. 50/-
		23(2)	Failure/refusal of Registrar to register births/deaths.	Do.
		23(3)	Failure of the doctor to issue a certificate of illness.	Do.
		23(4)	Any other contravention of the provision of the Act.	Fine upto Rs. 10/-

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89.	Registration of Foreigners Act, 1939	5	Contravention of any provision of the rules made under the Act; (a) if a foreigner  (b) if not a foreigner	Imprisonment upto one year or fine upto Rs. 1000/- or both. Fine upto Rs. 500/-
90.	Rice Milling Industry (Regulations) Act, 1958	13(1)	Contravention or abetment or attempt to contravene provisions of the Act.	Imprisonment upto one year or fine upto Rs. 10,000/- or both.
		13(2)	Failure to make statement or furnish information, record etc.	Imprisonment upto 3 months or fine upto Rs. 2000/- or both.
91.	Indian Sarais Act, 1867	14	Infringement of provisions of the Act or regulations.	Fine upto Rs. 20/- and further penalty upto rupee one per day for every day during which the offence continues.
92.	Spirituos Preparations (Inter-state Trade and commerce) Control Act, 1955	5	Contravention of any provision of the Act.	Imprisonment upto one year or fine upto Rs. 1000/- or both.
		9(1)	Vexatious search, seizure, etc.	Fine upto Rs. 2000/-
		9(2)	Giving of false information causing arrest, search or seizure.	Imprisonment upto one year or fine.
93.	Indian Standards Institution (Certification Marks) Act, 1952.	13	Improper use of standard marks.	Fine upto Rs. 10,000/-
		14	Contravention of any other provision of the Act.	Fine upto Rs. 1000/-
94.	Standards of Weights and Measures Act, 1976	50	Use of non-standard weight or measures.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
		51	Tampering with or altering standard.	Imprisonment upto 2 years or fine upto Rs. 5000/- or both.
		52	Non-conforming to standards or weight by manufacturers.	Imprisonment upto one year or fine upto Rs. 2000/- or both.
		53	Inscription of weight or measure not conforming to weight or measure.	Do.
		54	Obstruction to Director or any person authorised in this behalf in performance of duties.	Imprisonment upto 2 years.
		55	Trading with or using non-specified weights, measures or numbers.	Imprisonment upto one year or fine or both.
		57	Selling or delivering goods or rendering service less than the quantity or number contracted.	Fine upto Rs. 5000/-

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		58	Failure to maintain requisite records.	Imprisonment upto 6 months and fine.
		64	Export or import of weight or measure without having been registered under the Act.	Imprisonment upto six months and fine.
		65	Export of commodity in packaged form not conforming to the standard weight or measure.	Fine upto Rs. 5000/-
		66	Importing non-metric weight or measure.	Fine upto Rs. 5000/-.
		67	Contravention of any provision of the Act for which no penalty otherwise provided.	Fine Rs. 2000/-
		70	Giving false information or false returns.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
		71	Vexatious action by officers.	Imprisonment upto 1 year or fine upto Rs. 2000/- or both.
95. Indian Telegraph Act, 1885		20A	Breach of condition of licence.	Fine upto Rs. 1000/-
		21	Using unauthorised telegraph.	Fine upto Rs. 50/-
		22	Opposing establishment of telegraph on railway land.	Fine upto Rs. 1000/ on day during which refund continues.
		23	Intrusion into signal room, trespass on Telegraph Office.	Fine upto Rs. 500/-
		24	Unlawfully attempting to learn contents of messages.	Imprisonment for one year.
		25A	Injury to or interference with telegraphs lines or post.	Fine upto Rs. 1000/-.
		28	Misconduct of telegraph officer.	Imprisonment upto 3 months or fine upto Rs. 100/-
		29A	Making or issuing of a document of a nature reasonable calculated to consent to be believed that the same has been issued by or under the authority of D.G. Posts and Telegraphs.	Fine upto Rs. 50/-
		30	Fraudulently retaining a message delivered by mistake.	Imprisonment upto 2 years or fine or both.
		32	Attempt to commit offence.	Same penalty as prescribed for the offence.
96. Telegraph Wires (Unlawful Possession) Act, 1950		6	Failure to make a declaration.	Imprisonment upto 6 months or fine or both.
97. Trade and Merchandise Marks Act, 1958		78	Applying false trade marks, trade discriptions, etc.	Imprisonment upto 2 years or fine or both.
		79	Selling goods to which a false trade mark or false trade description is applied.	Do.

1	2	3	4	5
		80	Removal, sale, possession for sale goods, cotton yarn or thread which is not marked.	Fine upto Rs. 1000/-
		81	False representation of a trade mark or registered.	Imprisonment upto 6 months or fine upto Rs. 500/- or both.
		82	Improperly describing a place of business as connected with trade mark office.	Imprisonment upto six months or fine or both.
		83	Falsification of entries in the register.	Imprisonment upto 2 years or fine or both.
98.	Indian Treasure Trove Act, 1878	20	Failure of the finder to give notice.	Imprisonment upto one year or fine or both.
		21	Abetment of above offence.	Imprisonment upto 6 months or fine or both.
99.	Unlawful Activities (Prevention) Act, 1967	10	Penalty for being member of unlawful association.	Imprisonment upto 2 years and fine.
		12	Use of an article in contravention of a prohibitory order.	Imprisonment upto one year and fine.
100.	Vaccination Act, 1880	22	Contravention of the provisions of the Act, rules or orders.	Imprisonment upto 6 months or fine upto Rs. 1000/- or both.
101.	Weekly Holidays Act, 1942	9	Contravention of the provision of the Act, rules or order.	Fine upto Rs. 250/-
102.	White Phosphorus Matches Prohibition Act, 1913	5	Obstructing the Inspector to take sample.	Fine upto Rs. 200/-
103.	Wild Birds' and Animals Protection Act, 1912	4	Capturing, selling, buying or killing any wild bird or animal during close time.	Imprisonment upto 1 month or fine upto Rs. 100/- or both.
104.	Wild Life (Protection) Act, 1972	51	Contravention of any provision of the Act or rule or order made the runder.	Imprisonment upto 2 years or fine upto Rs. 2000/- or both.
		52	Attempts or abetments.	Do.
		53	Wrongful seizure.	Imprisonment upto six months or fine upto Rs. 500/- or both.
105.	Indian Wireless Telegraphy Act, 1933	6(1)	Possession of any wireless telegraphy apparatus in contravention of the provisions of the Act.	Fine upto Rs. 250/-
106.	Young Persons (Harmful publication) Act, 1956	3	Sale, hire, distribution of harmful publication.	Imprisonment upto six months or fine or both.

NOTE 1. The above list is not exhaustive but only illustrative.

2. The above list covers only the Central Acts. There are such or similar State Acts.

3. Besides the above, Acts, offences under the Motor Vehicle Act, Shop and Establishment Act, Municipal Acts are also triable as summons cases.