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Bengal Act IV of 1942¹

THE BENGAL CRIMINAL LAW (INDUSTRIAL AREAS) AMENDMENT ACT, 1942.

ADAPTED

The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

The Adaptation of Laws Order, 1950.

[4th June, 1942.]

An Act to prevent theft of unidentifiable articles in industrial areas.

WHEREAS it is expedient to prevent theft of unidentifiable articles in industrial areas;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Criminal Law (Industrial Areas) Amendment Act, 1942.

Short title and extent.

(2) This section and section 2 extend to the whole of²[West Bengal] and the remaining provisions of this Act shall extend to any area declared to be an industrial area under section 2.

2. The [State] Government may, by notification³ in the *Official Gazette*, declare any area to be an industrial area for the purposes of this Act.

Declaration of industrial area.

3. Any person found, between sunset and sunrise,—

- (a) armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act;
- (b) disguised in any manner with intent to commit any criminal act;

Apprehension and punishment of persons armed or previously convicted of theft or of other persons.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 19th July, 1941, Pt. IVB, page 79; the Report of the Select Committee was presented to the Council on the 11th December, 1941; for Proceedings of the Council, see the proceedings of the meetings of the Bengal Legislative Council held on the 28th July, 5th and 18th August, 2nd September and 11th December, 1941, and also 19th and 26th February, 1942; for proceedings of the Assembly, see the proceedings of the meetings of the Bengal Legislative Assembly held on the 10th March and the 2nd April, 1942.

²These words was substituted for the word "Bengal" by para. (2) of Art. 3 of the Indian Independence (Adaptation of Bengal and Punjab) Order, 1948.

³This word was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

⁴For notification declaring area to be an industrial area for the purposes of this Act, see notification No. 2260Pl., dated the 26th June, 1942, published in the *Calcutta Gazette, Extraordinary*, of the 27th June, 1942, Pt. I, page 127.

For notification declaring the whole of the Darjeeling district to be an industrial area for the purposes of the Act, see notification No. 1969 Pl/P2A/348, dated 31.5.49, published in the *Calcutta Gazette* of 1949, Pt. I, page 921.

For notifications declaring the whole of Cooh Behar district and Chandernagore to be industrial areas for the purposes of the Act, see notification (1) No. 1PI/P2A-17/53, dt. 2.1.57, published in the *Calcutta Gazette* of 1957, Pt. I, page 192, and (2) No. 2162 Pl/PIN-3/55, dt. 17.5.57, published in the *Calcutta Gazette* of 1957, Pt. I, page 192.

[Ben. Act IV of 1942.]

(Section 4.)

(c) in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; or

any personal previously convicted of theft found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazar, street, yard, thoroughfare or other place who shall not give any satisfactory account of himself; or

any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person) any implement of house-breaking;

may be taken into custody by any police-officer without a warrant, and shall be liable, on summary conviction before a Magistrate, to imprisonment, for a term which may extend to three months.

Explanation.—In this section the word "street" means any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, to which the public have, permanently or temporarily, a right of access.

Possession or dealing with thing stolen or fraudulently obtained.

4. (1) Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe to have been stolen or fraudulently obtained, shall, if he fails to account for such possession or such act to the satisfaction of the Magistrate, be liable to fine which may extend to one hundred rupees, or to imprisonment, for a term which may extend to six months.

(2) If any person charged under sub-section (1) in respect of anything declares that he received such thing from some other person, or that he was employed as a carrier, agent or servant to convey such thing for some other person, the Magistrate, after such further inquiry (if any) as he may deem necessary, may summon such other person, and any former or pretended purchaser or other person through whose possession such thing is alleged to have passed, to appear before him, and may examine such person and any witnesses who are produced to testify to such receipt, employment or possession; and, if it appears to such Magistrate that any such person had possession of such thing and had reasonable cause to believe that it was stolen or fraudulently obtained, the Magistrate may punish him with fine which may extend to one hundred rupees, or with imprisonment, for a term which may extend to six months.