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Report on the
Administration of Criminal Justice
in the Province of Bengal

During the year
1940

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Report on the Administration of Criminal Justice in the Province of Bengal during the year 1940

1. **Judicial Staff.**—For sessions work, the staff employed during the year consisted of 22 Sessions Judges and 12 Additional Sessions Judges. Forty-six Subordinate Judges vested with the powers of an Assistant Sessions Judge were employed for various periods, viz., seven at 24-Parganas, four at Mymensingh, three at Dacca, two each at Burdwan, Midnapore, Hooghly, Howrah, Jessore, Faridpur, Bakarganj, Pabna, Tippera and Chittagong and one each at Birbhum, Bankura, Nadia, Murshidabad, Khulna, Rajshahi, Malda, Dinajpur, Jalpaiguri, Rangpur, Bogra and Noakhali; they decided 773 cases. Two I. C. S. Officers, who were on judicial training, and one Deputy Magistrate exercised the powers of an Assistant Sessions Judge and disposed of nine cases. Nine temporary Additional Sessions Judges were also employed in the province, two at the 24-Parganas, viz., one from the 2nd January till the 31st December and the other from the 24th August till the 30th September; one at Bakarganj throughout the year; one at Birbhum from the 5th May till the 30th September; one at Burdwan from the 7th June till the 31st August; one at Dinajpur from the 1st January till the 20th April; one at Faridpur from the 2nd January till the 10th April; one at Mymensingh from the 1st January till the 30th September and one at Tippera from the 5th November till the 31st December.

The magisterial staff employed during the year, including that of the Presidency-town, consisted of 429 stipendiary and 360 honorary magistrates. When compared with the numbers of the previous year, the figure for stipendiary magistrates represents an increase of 42, while that for the honorary magistrates remains constant. One special magistrate was employed at Hatiya (Noakhali) for 120 days during the year and he disposed of 161 cases. Of the 429 stipendiary magistrates, 264 exercised first, 122 second and 43 third class powers. There were 79 benches of magistrates constituted from among 316 honorary magistrates in the mufassal. Of these, 58 were independent and 21 were restricted to the trial of cases under the Municipal Act.

2. (a) **Special Magistrates under the Bengal Suppression of Terrorist Outrages Act.**—During the year, four cases with five persons were brought to trial and disposed of under the Bengal Suppression of Terrorist Outrages Act. Of the persons tried, four were convicted and one acquitted.

(b) **Special Magistrates appointed at important railway centres for the trial of Railway Act cases.**—Special magistrates were appointed for the trial of Railway Act cases at Howrah, Burdwan and Asansol on the East Indian Railway and Parbatipur on the Eastern Bengal Railway. During the year under review, 11,379 cases with 26,904 persons were brought to trial. Of the persons tried, 26,097 were convicted and 806 acquitted.

The total amount of fines and fares imposed during the year was Rs. 54,189-12 and Rs. 37,171-13-9, respectively. Rs. 8,736-0-3 was realised as fine and Rs. 4,692-5-6 as fare. Rs. 5,102-0-6 on account of fine and Rs. 20,577-9-3 on account of fares were the unrealised amounts outstanding at the close of the year. Large amounts of fines and fares were remitted (1) owing to non-execution of distress warrants as no assets or trace of the accused persons could be found, and (2) owing to the fact that the convicted persons had undergone imprisonment in default of fines.

3. **Offences reported.**—The number of offences reported during the year combined with the number pending from the previous year was 402,729 against 411,271 in 1939.

Of this number, 193,731 were under the Indian Penal Code and 208,998 under Special and Local Laws. These figures are 15,585 more and 24,127 less, respectively, than those of 1939. The increase was most marked in Bakarganj, Dacca, Mymensingh and the 24-Parganas as regards offences under the Penal Code, while under Special and Local Laws the decrease was most noticeable in the Presidency-town, Howrah, Dacca and Birbhum.

4. **Cases found to be true.**—Of the total number of cases under enquiry, 316,505 were found to be true, and of

these 277,858 were brought to trial. Compared with the previous year, the figures showed a decrease of 18,372 and 11,593, respectively.

Original Jurisdiction

MAGISTRATES' COURTS

5. Of the total number of cases brought to trial, 93,304 were in the courts of the Police and Municipal Magistrates in the Presidency-town, and 184,554 in the courts of magistrates in the mufassal.

I.—Presidency Magistrates, Calcutta

6. The number of cases brought before the Presidency Magistrates, including the Municipal Magistrates was 93,304 or 18,073 less than in 1939. The number of cases under Special and Local Laws fell from 105,118 to 86,500 and that under the Penal Code rose from 6,259 to 6,804. The fall in the number of cases under the Special and Local Laws when compared with the preceding year was mainly due to a decrease in offences under the Police Town Acts which fell from 54,622 to 41,091; and under the Penal Code, the increase was due to offences of theft which rose from 1,541 to 1,777.

The Presidency Magistrates (44 honorary and 6 stipendiary) other than the Municipal Magistrates disposed of 68,412 cases during the year. Honorary Magistrates were responsible for the disposal of 48,081 cases. The corresponding figure for 1939 was 58,208.

The number of witnesses examined before the Police Magistrates was 22,199 as compared with 18,817 in 1939. The number who attended and were discharged without examination was 2,338 or 9.5 per cent. against 2,348 or 11.1 of the total number in attendance in 1939. Of the total number in attendance, 16,998 (69.3) were discharged on the first, 6,400 (26.1) on the second, 999 (4.1) on the third, and 140 (.5) after the third day. The number of witnesses detained for more than three days was 17 less than in 1939. A sum of Rs. 2,977-7-9 against Rs. 2,812 in 1939, was paid to witnesses in private cases on account of the expenses of their attendance; Rs. 10,766-3 was paid to witnesses in police cases during the year 1940 as against Rs. 5,265 paid from the 1st April, 1939, till the end of that year.

The number of cases brought before the Municipal Magistrates during the

year was 24,930 and the number disposed of by them was 24,924. Compared with the figures of 1939, the number of cases instituted and disposed of showed a decrease of 3,251 and 3,249, respectively.

The number of witnesses examined before the Municipal Magistrates rose from 29,014 to 31,060. Of those in attendance, none was detained for more than three days as in the preceding year.

7. **Results of trials.**—The aggregate number of persons under trial before the Presidency Magistrates, other than the Municipal Magistrates, was 76,441. Of the persons tried, 5,017 were acquitted or discharged, 70,265 were convicted, 52 were committed to sessions and 1,107 remained under trial at the close of the year. Of the persons acquitted or discharged, the cases of 1,592 were compounded, withdrawn or dismissed for default. Of 8,377 persons tried for offences under the Penal Code, 4,525 were convicted and 3,852 acquitted or discharged. The results of trials before each class of magistrates during the year are shown below:—

	Acquitted or discharged.	Convicted.	Percentage of convictions.
Stipendiary Magistrates.	3,701	18,467	83.3
Benches of Magistrates.	..	..	..
Honorary Magistrates sitting singly.	1,316	51,798	97.1

Of the persons convicted, 3,132 were punished with imprisonment, 48,436 with fine or forfeiture, and 135 with whipping. In addition to these sentences, 43 persons were required to give security.

Three hundred and twenty-four persons were released on probation under section 562, Criminal Procedure Code.

Twenty-eight thousand two hundred and seventy-eight persons were under trial before the Municipal Magistrates. Of them 25,930 were convicted, 2,340 were acquitted or discharged, 2 died and 6 remained under trial at the close of the year. The percentage of convictions was 91.7. Of the persons convicted, 5,338 were punished with fine.

The fines imposed in police courts aggregated Rs. 1,46,086 against Rs. 1,70,917 in 1939. Rs. 1,07,919 was realised of which Rs. 509 was paid

as compensation to complainants against Rs. 1,28,255 and Rs. 1,309 in the previous year. Rs. 60,437 was imposed as fines in the municipal courts and Rs. 52,022 realised during the year. Out of this amount, nothing was paid to complainants by way of compensation.

II—Magistrates outside Calcutta

8. **Cases disposed of.**—During the year 184,554 cases were brought to trial against 178,074 in the previous year. Including cases committed to the sessions 182,096 cases were disposed of during the year against 176,176 in 1939.

The increase in the number of cases disposed of during the year was the highest in Mymensingh (1,589), followed by Howrah (857), Rajshahi (755) and the 24-Parganas (641); while the decrease was the greatest in Tippera (744), the next lowest in order being Birbhum (720), Murshidabad (395) and Bankura (286).

The disposals were distributed as follows:—

District Magistrates	252
Subordinate Stipendiary Magistrates ..	143,393
Honorary Magistrates	29,829
Benches of Magistrates	8,381
Special Magistrate	161

In addition to the cases shown above, District Magistrates decided 80 cases referred to them under sections 347 and 349 of the Code of Criminal Procedure.

The number of cases decided during the year was 5,920 more than in 1939. The increase occurred in the courts of the Stipendiary Magistrates, Honorary Magistrates and District Magistrates who disposed of 3,694, 2,381 and 266 cases, respectively, more than in the preceding year. The number of cases disposed of by the Benches of Magistrates and a Special Magistrate showed a decrease of 355 and 66, respectively.

9. **Results of trials.**—In the cases finally disposed of by magistrates, 297,579 persons were accused or 24,577 more than in 1939. Of the total, 153,180 or 51.5 per cent. were acquitted or discharged and 144,399 or 48.5 per cent. were convicted. In 1939 the percentage of conviction was 50.5.

Of the persons acquitted or discharged the cases of 82,451 were compounded, withdrawn or dismissed for default. The percentage of convictions of persons actually tried was 67.1 per cent. against 70.0 in 1939.

Of the persons tried for offences under the Indian Penal Code, 36,364 or 21.8 per cent. were convicted and 130,875 or 78.2 per cent. acquitted or discharged. Of the latter, the cases against 75,557 persons were compounded, withdrawn or dismissed for default without trial and those against 55,318 after trial; the percentage of convictions on the total number acquitted or discharged being 39.6 per cent. against 44.0 in 1939.

The total number of persons awaiting trial before Magistrates at the close of 1940 was 31,427 as compared with 27,469 in 1939. Of these, 741 were awaiting trial for more than six months, and again of these 10 persons were in custody at the close of the year against 16 in 1939. Explanations of delays in the disposal of all cases pending for more than three months, submitted by the magistrates concerned, have been considered by the High Court, and necessary orders have been passed on them.

The general result of the trials before magistrates of each class was as follows:—

Class of Magistrates.	Number of persons.		Percentage of convictions.
	Acquitted or discharged.	Convicted.	
Benches of Magistrates.	3,248	6,376	66.2
Subordinate Stipendiary Magistrates.	126,787	101,870	44.5
Honorary Magistrates.	22,839	35,727	61.0
Special Magistrate	286	38	11.7
District Magistrates	20	388	95.1

10. **Punishments.**—The sentences passed on persons convicted were as follows:—

Imprisonment	18,941
Fine or forfeiture	121,555
Whipping	142

In addition to these sentences, 2,882 persons were required to give security.

Three thousand three hundred persons were released on probation under section 562 of the Code of Criminal Procedure. Against 17 persons who had previously been so released, proceedings were subsequently taken and all of them were convicted and punished.

Excluding the cases of 47 youthful offenders whose sentences were commuted to detention in a reformatory school,

sentences of imprisonment were imposed on 1,731 persons for terms not exceeding fifteen days; on 12,561 persons for terms not exceeding six months; on 4,585 persons for terms not exceeding two years; and on 17 persons for terms exceeding two years.

Sentences of whipping were passed on 142 persons against 120 in the preceding year.

The fines imposed aggregated Rs. 11,98,822 against Rs. 10,58,975 in 1939. Rupees 6,74,764 was realised, of which Rs. 93,263 was paid as compensation to complainants against Rs. 6,22,884 and Rs. 73,545, respectively, in the previous year.

11. Miscellaneous proceedings under the Code of Criminal Procedure.—The total number of miscellaneous cases decided during the year was 8,305 against 7,199 in the previous year.

12. Frivolous or vexatious accusations.—The provisions of section 250 of the Code of Criminal Procedure were utilised in 195 cases. The complainants were ordered to pay compensation to the extent of Rs. 5,634. Rupees 4,135 was realised and of this amount, Rs. 4,047 was paid as compensation to the accused persons.

13. Witnesses.—The number of witnesses examined in the courts of magistrates in the mufassal was 410,327 as compared with 396,423 in 1939. The number who attended and were discharged without examination was 159,188 or 27·9 per cent. of the whole number in attendance; the percentage in the preceding year was 28·6. The amount paid to witnesses on account of the expenses of their attendance rose from Rs. 3,26,911 in 1939 to Rs. 3,35,169 in 1940.

Of the total number in attendance, 361,436 (63·5 per cent.) were discharged on the first day; 162,009 (28·4 per cent.) on the second day; 42,880 (7·5 per cent.) on the third day; and 3,190 (0·6 per cent.) after the third day. The number of witnesses detained for more than three days was 11 less than in 1939.

The districts in which the largest percentage of witnesses was detained for more than three days were 24-Parganas (2·8), Bogra (2·4) and Rajshahi (1·02). Explanations of these detentions have been dealt with by the High Court.

14. Trials of European British subjects.—The cases of 19 European British

subjects (10 in Darjeeling, 5 in Burdwan, 2 in Howrah and one each at Jalpaiguri and the 24-Parganas) were decided during the year against 26 in the previous year. Of the accused persons none claimed to be tried as a European British subject. Besides, the cases of three European enemy foreigner subjects were decided in Darjeeling during the year. Of these, 18 were dealt with by magistrates and 4 by sessions courts.

In the cases disposed of by magistrates, 14 were convicted and 4 acquitted. The convictions in the 14 cases were for offences under special and local laws.

The four cases before the sessions courts resulted in the acquittal of three and in the conviction of one for an offence affecting life.

III—Courts of Session

15. Cases disposed of.—The number of cases disposed of in the courts of session was 1,788 against 1,734 in the previous year.

16. Results of trials.—There were 6,643 persons or 346 more than in 1939 under trial before the courts of session. The cases of 5,526 persons were decided, 9 persons died or escaped and 1,108 persons remained under trial at the close of the year. Of the 5,526 persons tried, 2,736 or 49·5 per cent. were convicted and 2,681 were acquitted or discharged and the cases of 109 persons were referred to the High Court under sections 307 and 374 of the Code of Criminal Procedure; the figures for 1939 were 2,836 or 52·8 per cent., 2,440 and 92 respectively.

17. Punishments.—The following sentences were passed by the courts of session:—

Death	26
Transportation or penal servitude	91
Imprisonment	2,582
Fine or forfeiture	84
Whipping	18

In addition to these sentences, 39 persons were required to give security.

Excluding the cases of 14 youthful offenders whose sentences were commuted to detention in a reformatory school, the sentences of imprisonment were passed for the following terms:—

Not exceeding—			
15 days .. .. .	..	..	12
6 months .. .. .	..	..	270
2 years .. .. .	..	..	740
Exceeding 2 years .. .. .	..	..	1,546

Fines to the amount of Rs. 10,916 were imposed by the courts of session as compared with Rs. 14,056 imposed in the preceding year. The total realisation of the year aggregated Rs. 1,064 as compared with Rs. 3,833 in 1939. The amount paid from fines realised as compensation was Rs. 851 against Rs. 390 in 1939.

18. **Jury trials.**—The number of persons tried by jury was 5,225 and of the persons so tried, the Sessions Judge approved of the verdict of the jury in respect of 5,140 persons and disapproved of it in respect of 85. The cases of these persons were referred to the High Court under section 307 of the Code of Criminal Procedure.

19. **Trials by assessors.**—The number of persons tried with the aid of assessors was 113. In the cases of 66 persons the Sessions Judge concurred in the opinion of all the assessors; in the cases of 40 he differed from the opinion of one or more assessors and in the cases of 7 he differed from the opinion of all the assessors.

20. **Duration of cases.**—The average duration of sessions trials, from the date of commitment to the date of decision, fell from 54·5 days in 1939 to 54·3 days in 1940. Notice was taken by the High Court of all cases of unusual duration.

The duration of cases was notably high in the districts of Murshidabad, Howrah and Faridpur, it having risen from 30·8 to 59 days in Murshidabad, from 37·4 to 63·7 days in Howrah and from 48·2 to 73·1 days in Faridpur. On the other hand, there was a reduction from 90·1 to 49 days in the 24 Parganas, from 47·5 to 30·8 days in Bankura, from 44 to 29 days in Jessore and from 79 to 65 days in Noakhali.

21. **Witnesses.**—The number of witnesses in attendance before the courts of session was 32,695. Of these, 29,124 were examined and 3,571 discharged without examination, against 27,948 and 3,573, respectively, in 1939.

Of the total number in attendance, 27,485 (84·1 per cent.) were discharged on the first day; 4,331 (13·2 per cent.) on the second day; 719 (2·2 per cent.) on the third day; and 160 (·5 per cent.) after the third day. The proportion of witnesses discharged after the third day was smaller than in 1939 by 22 or ·1 per cent. The High Court have taken due notice of cases of excessive detention of

witnesses in reviewing the district reports. The amount paid to witnesses on account of the expenses incurred by them in attending sessions trials was Rs. 87,189 as compared with Rs. 81,907 in 1939. Rs. 2,094-3-6 and Rs. 2,612-12-9, respectively, were paid to jurors and witnesses discharged during the year before trial opened and on adjournment after opening.

22. **Cases disposed of in the High Court Sessions.**—The number of cases disposed of was 31 against 20 in the previous year.

Altogether 50 persons were tried, of whom 33 were discharged or acquitted and 17 convicted.

Appellate Jurisdiction

I—HIGH COURT

23. At the opening of the year, 131 appeals from sentences or orders of criminal courts were pending before the High Court. During the year 698 appeals were preferred and 736 were decided leaving 93 pending at its close.

The number preferred and decided was 56 and 163 more than in the preceding year. The pending file showed a decrease of 38 appeals.

Of the appeals preferred against sentences, 509 were from courts of session and 183 from courts of Presidency Magistrates. Six appeals were preferred by the Provincial Government against orders of acquittal.

24. **Results of appeals.**—The results of criminal appeals decided in the High Court during the year under review are shown in the following statement:—

1	Decided after admission.							Total.
	Confirmed.	Enhanced.	Reduced, altered or modified.	Reversed or proceedings quashed.	Retrial ordered.	Otherwise disposed of.	Appeals summarily dismissed.	
2	3	4	5	6	7	8	9	
Appeals from Presidency Magistrates.	20	..	6	23	3	..	146	198
Appeals from Sessions Judges.	53	1	32	51	9	..	387	533
Appeals by Government	1	..	..	2	1	..	1	5
Total	74	1	38	76	13	..	534	736

25. Criminal work of the High Court.—The following statement shows in detail the criminal business which came before the High Court in its Appellate Jurisdiction during each of the past three years:—

the sentences of 2,366 whose appeals were admitted, were confirmed, making a total of 3,753 wholly unsuccessful appellants, or 56·0 per cent. Of the remainder, 844 appellants or 12·6 per cent. obtained an alteration of the

1	Brought before the Court. (a)			Heard and determined. (a)			Pending at the close of (a)		
	1938. 2	1939. 3	1940. 4	1938. 5	1939. 6	1940. 7	1938. 8	1939. 9	1940. 10
Appeals—									
Under section 410, Cr. P. C. ..	795	735	797	935	655	843	69	149	103
Ditto 417, Cr.P.C. ..	5	7	8	5	7	7	2	2	3
References—									
Under section 123, Cr. P.C. ..	..	..	..	..	..	..	..	..	..
Ditto 307, Cr. P.C. ..	58	50	57	54	54	55	10	6	8
Ditto 339, Cr. P.C. ..	..	..	..	..	..	..	..	..	..
Ditto 341, Cr. P.C. ..	..	..	2	..	..	2	..	..	..
Ditto 374, Cr. P.C. ..	27	24	20	27	20	24	1	5	1
Ditto 432, Cr. P.C. ..	..	3	..	..	3	..	..	..	..
Revisions—									
Under section 435, Cr. P. C. ..	1,321	1,366	1,449	1,463	1,231	1,531	87	222	140
Ditto 438, Cr. P. C. ..	235	224	272	237	205	285	32	51	38
Ditto 476, Cr. P.C. ..	16	21	19	21	13	27	..	8	..
Ditto 526, Cr. P.C. ..	104	100	79	107	89	86	..	11	4
Reference to Full Bench ..	..	..	..	..	..	..	..	..	..

(a) Includes figures for Assam.

II.—APPELLATE COURTS SUBORDINATE TO THE HIGH COURT

26. Sessions Courts.—The number of appeals disposed of in the courts of session was 4,892 against 4,643 in the previous year. In the appeals decided, 9,245 persons were concerned.

The appeals of 1,969 persons or 21·3 per cent. were summarily dismissed; 3,462 appellants, whose appeals were admitted, were altogether unsuccessful; 1,509 obtained an alteration of sentence; and 2,133 were acquitted. The cases of 172 appellants were otherwise disposed of.

The proportion of persons whose appeals were wholly unsuccessful, successful in obtaining an alteration of the original orders, and successful in obtaining their reversal was 58·7, 16·3 and 23·1, respectively. Of those concerned in admitted appeals only, the proportions were 47·6, 20·7 and 29·3 per cent. In the case of admitted appeals, the results were less favourable to appellants than in the previous year.

27. Magistrates' Courts.—In the courts of Magistrates 3,489 appeals were decided against 3,264 in the previous year. In the appeals decided, 6,705 persons were concerned. Of these, the appeals of 1,387 were rejected, and

sentences passed on them, 1,982 or 29·6 per cent. their total annulment and the cases of 126 appellants were otherwise disposed of. Compared with 1939, the results were less favourable to appellants.

Superintendence, Reference and Revision

I—HIGH COURT

28. References under section 307, Code of Criminal Procedure.—Six references made under this section were pending in the High Court at the opening of the year, and 40 were made during the year. Forty-one of these references, in which 87 persons were concerned, were decided during the year. Of these, 42 persons were acquitted, one was sentenced to death, 3 to transportation for life, 37 to various terms of imprisonment, one to whipping, one directed to be convicted and sentenced in accordance with the unanimous verdict of the Jury returned under sections 436/114, Indian Penal Code and 2 were remanded for retrial.

29. References under section 374, Code of Criminal Procedure.—Four references made under this section for the confirmation of death sentence were

pending in the High Court at the opening of the year and 17 were made during the year. All of them in which 30 persons were concerned were decided during the year. Sentences of death were confirmed in the cases of 11 persons and commuted to transportation for life in the cases of five persons; six persons were ordered to be retried and 8 were acquitted.

30. Revision.—During the year, 217 cases were reported for the orders of the High Court by Sessions Judges and District Magistrates under section 438 of the Code of Criminal Procedure and 42 were pending at the opening of the year. Two hundred and twenty-six of these cases were decided during the year and 33 remained undecided at its close.

31. Applications for transfer.—Including the number pending from previous year, there were 79 applications under section 526 of the Code of Criminal Procedure for the transfer of cases from one court or district to another for disposal during the year. Of these, 77 were disposed of and 2 remained pending at the close of the year.

II—COURTS SUBORDINATE TO THE HIGH COURT

32. Sessions Courts.—Including the cases of accused persons who themselves applied for revision of the orders passed on them in the courts of Magistrates and the cases of those against whom such applications were made by complainants, the cases of 6,970 persons were decided on revision by the courts of session during the year. The number was 106 more than in 1939. The applications of 1,997 persons were rejected, while the orders of the lower courts were confirmed in the cases of 3,094 persons. The orders passed were reversed in the cases of 86 persons and altered in the cases of 5 persons. The cases of 1,788 persons were otherwise disposed of.

33. Magistrates' Courts.—The cases of 2,073 accused persons, who applied for revision, or against whom applications were made by complainants, came before the District Magistrates for revision. The number was 110 more than in 1939. Of the total, the applications of 745 persons were rejected and in the cases of 654, the original sentence or order was upheld. The sentences or orders were altered in the cases of 85 persons and reversed in those of 233

persons. The cases of 356 persons were otherwise disposed of.

34. Union Benches.—Union Benches have been established under the Bengal Village Self-Government Act of 1919 in all the districts of Bengal except Darjeeling. The total number of Benches established and in existence was 1,825 against 2,166 in the previous year. The number of offences reported to these Benches was 88,387 showing a decrease of 4,365 on that of 1939. The working of the Union Benches continued to be satisfactory on the whole. They afforded appreciable relief to the ordinary courts by disposing of a fair number of petty cases during the year. These village tribunals are growing in popularity as they administer speedy justice locally at a very low cost and without any elaborate legal procedure.

35. General.—(a) The number of offences reported during the year showed a decrease of 8,542 over the figure for 1939. The decrease was solely under the Special and Local Laws, those under the Penal Code rose by 15,585. About 5,920 more cases were decided by magistrates in the mufassal courts than in 1939, while in the Presidency-town the disposals fell by no fewer than 17,657.

The number of appellate and revisional cases disposed of by magistrates in the mufassal rose by 225 and 5, respectively, compared with the figures for 1939. The results of the appeals as in the previous year varied very little, 56 per cent. were wholly unsuccessful and the sentences of the rest were either annulled, altered or otherwise disposed of.

(b) The number of cases disposed of in the courts of session was more by 54 as compared with the figure for 1939, and the percentage of convictions of persons fell from 52·8 to 49·5. The highest number of sessions cases disposed of throughout the year was in the court of the 2nd Additional Sessions Judge of Bakarganj (55). The next highest number was disposed of in the court of the Sessions Judge of Jessore (53), followed by the 1st and 3rd Additional Sessions Judges of Bakarganj (52 and 50, respectively), Sessions Judge of Dinajpur-Jalpaiguri-Darjeeling (48) and the 2nd Additional Sessions Judge of Mymensingh (42).

The number of appeals disposed of in the courts of session rose from 4,643 in

1939 to 4,892 in 1940. The results of the appeals were more favourable to appellants than in the previous year; 58.7 per cent. of the original sentences being confirmed and the rest either reversed, modified or otherwise disposed of.

The number of applications for revision disposed of in the courts of session was 184 more than in 1939 and the number of persons concerned in these cases was also more by 106.

(c) The total number of witnesses examined both in the Presidency-town and in the mufassal rose by 20,508 as compared with the figure for 1939. The number of persons detained for more than three days was 3,350 in the mufassal, and 140 in the Presidency-town against 3,383 and 157, respectively, in 1939. The amount paid to witnesses on account of the expenses incurred by them for their attendance in Magistrates' courts increased by Rs. 13,987 and that in sessions courts by Rs. 5,282.

(d) Only one person (in Rangpur) was under trial for an offence against the State, as against 16 in the previous year. The trial ended in the conviction of the accused person.

36. Receipts and charges.—After debiting as usual to the administration of criminal justice a portion of the salaries of Judicial officers, proportionate to the time which their returns showed them to have devoted to criminal work, the total charges for the year amounted to Rs. 35,11,415. Of this

amount, Rs. 19,45,475 was for the salaries of Judicial officers, Rs. 1,69,631 for fixed and temporary copying establishments, Rs. 1,40,641 for process-servers, Rs. 5,91,347 for other establishments, and Rs. 6,64,321 for contingent and refunds.

The receipts amounted to Rs. 20,19,549. Of this amount, Rs. 8,69,105 was under fines, Rs. 1,39,561 under process-fees, Rs. 2,39,273 under copying and comparing fees, Rs. 6,82,781 under court-fee stamps receipts and Rs. 88,829 was miscellaneous receipts.

Compared with the figures for 1939, the receipts showed an increase of Rs. 1,24,499 and the charges a decrease by nearly Rs. 27,400. The increase in receipts occurred under the heads "court-fee stamps", "copying and comparing fees" and "fines," the amount being Rs. 1,35,191 more than the previous year; on the other hand there was a decrease in receipts by Rs. 10,692 under the head "other receipts credited to Government." The drop in expenditure was chiefly due to the decrease in staff and contingencies which amounted to Rs. 45,379; there was, however, an increase in expenditure by about Rs. 20,800 under the head "fees paid for fixed and temporary copying establishments."

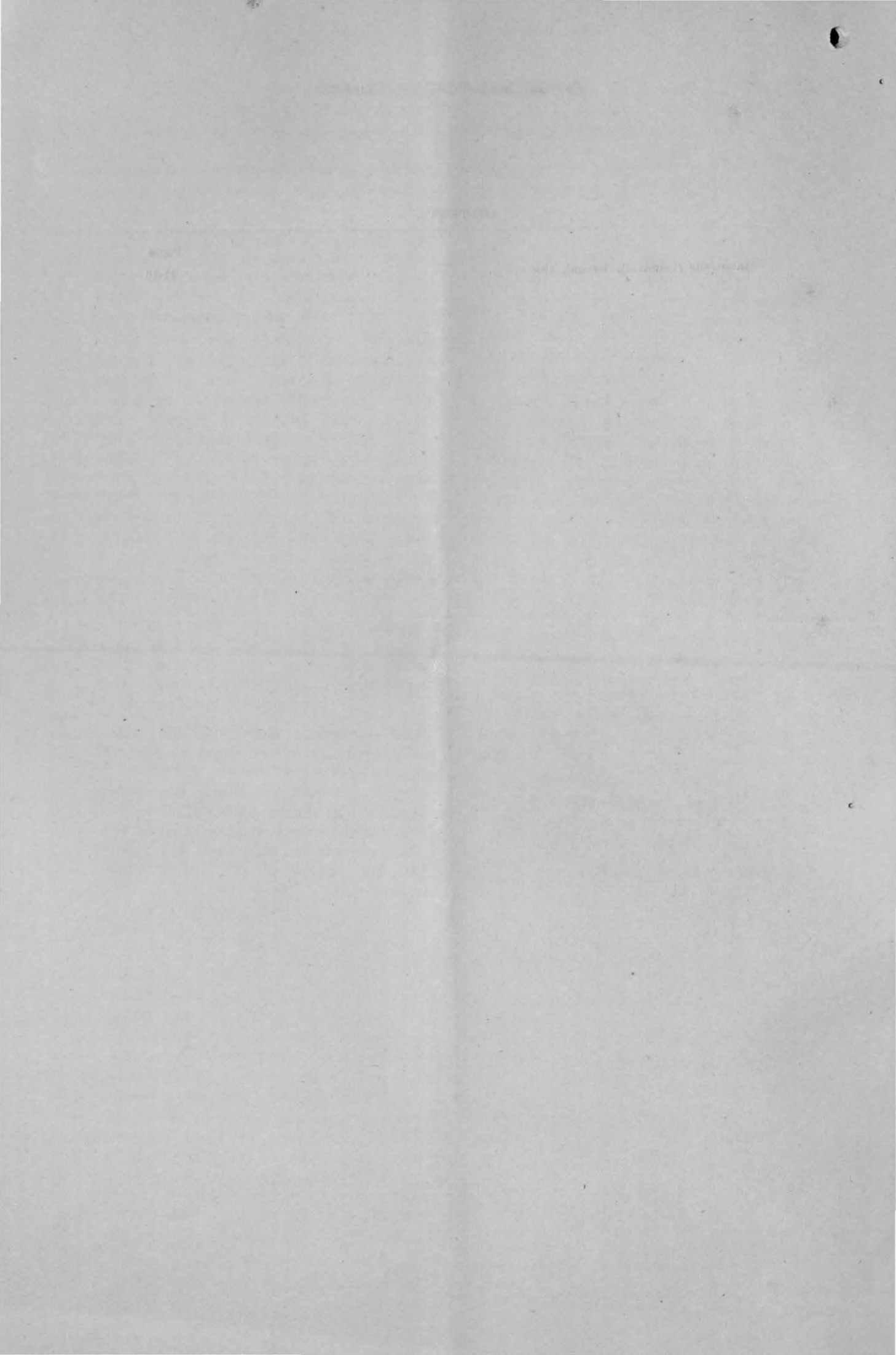
By order of the High Court,

T. H. ELLIS,

Registrar, Appellate Side.

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Annual Statement 1—(Criminal).

[As revised to conform with the Government of India revised Tables Nos. 25 and 26.]

Number of Judicial Divisions, and number of Officers exercising Appellate or Original Jurisdiction, in the Province of Bengal, on 31st December, 1940, and number of cases decided in, and receipts and charges of, the Courts in that Province in 1940.

Divisions and districts.	Judges of Chief Court of Province.	Number of Sessions Divisions.	Number of Districts.	Sessions Judges.	Other Judges.	District Magistrates.	Other Magistrates.		Number of Criminal cases decided.				Total receipts of Courts.	Total charges of Courts.	
							Stipendiary.	Honorary.	Original.		Appellate.				
									Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
														Rs.	Rs.
BURDWAN DIVISION.															
Burdwan	1	1	1	2	1	20	35	11,954	219	272	107	93,483	1,10,559	
Birbhum	1	1	1	1	1	9	6	2,610	117	111	90	26,973	78,174	
Bankura	1	1	1	1	1	9	2	2,628	139	85	57	28,803	42,002	
Midnapore	1	1	1	2	2	21	8	5,784	272	266	158	71,057	1,26,455	
Hooghly	1	1	1	2	1	14	17	5,957	190	252	140	68,105	78,584	
Howrah	1	1	1	2	1	12	28	18,362	319	384	88	1,23,850	1,53,104	
PRESIDENCY DIVISION.															
24-Parganas	1	1	5	7	2	18	39	38,069	768	806	255	2,54,390	3,87,521	
Nadia	1	1	1	1	1	16	19	4,551	249	198	77	53,231	1,00,712	
Murshidabad	1	1	1	1	1	12	14	3,084	155	220	73	35,071	72,379	
Jessore	1	1	1	2	1	17	7	4,621	298	291	89	39,986	1,21,766	
Khulna	1	1	2	1	1	13	4	4,213	338	329	193	42,381	60,327	
DACCA DIVISION.															
Dacca	1	1	3	3	2	20	13	11,061	619	696	303	1,52,141	1,66,310	
Mymensingh	1	1	3	4	2	21	22	13,227	827	678	258	1,22,210	3,40,371	
Faridpur	1	1	2	2	1	17	6	6,720	531	480	223	87,340	1,99,819	
Bakarganj	1	1	4	2	2	21	12	8,372	637	729	309	99,658	2,39,096	
RAJSHAHI DIVISION.															
Rajshahi	1	1	1	2	1	11	13	4,128	277	174	82	47,218	1,20,428	
Malda	1	1	1	1	1	6	8	1,226	130	89	16	19,563	46,674	
Dinajpur	1	1	1	1	1	24	7	3,685	186	172	53	34,424	84,156	
Darjeeling	1	1	1	2	1	10	12	2,938	35	41	13	20,623	51,455	
Jalpaiguri	1	1	1	1	1	5	2	3,267	62	64	36	28,444	63,064	
Rangpur	1	1	1	1	1	15	16	4,547	282	269	123	61,686	1,06,204	
Bogra	1	1	1	3	1	7	6	2,398	325	238	99	26,051	56,466	
Pabna	1	1	1	1	1	12	5	3,711	258	289	135	42,906	1,70,044	
CHITTAGONG DIVISION.															
Tippera	1	1	2	2	2	28	5	6,951	599	553	236	1,36,813	1,32,894	
Noakhali	1	1	1	1	1	8	4	2,988	156	232	150	38,521	1,05,811	
Chittagong	1	1	2	2	2	22	7	6,832	317	463	142	51,686	1,11,158	
Total	22	22	37	46	33	388	317	1,83,884	8,305	8,381	(f) 3,505	18,06,614	33,25,623	
Calcutta	18	1	1	..	..	1	7	44	93,429	466	736	1,672	2,12,935	1,85,792
Total	18	23	23	37	46	34	395	361	2,77,313	8,771	9,117	5,177	20,19,549	35,11,415	
Union Benches	(d) 1,825	44,342	..	..	..	43,113	12,791	
GRAND TOTAL	18	23	23	(a) 37	(b) 46	(c) 34	395	(e) 361	3,21,655	8,771	9,117	5,177	20,62,662	35,24,206	

(a) Do both civil and criminal work.

(b) Assistant Sessions Judges do both civil and criminal work.

(c) Includes Additional District Magistrates and Chief Presidency Magistrate.

(d) The figure indicates the number of courts and not officers.

(e) Includes one Special Magistrate.

(f) Of these, 930 were decided by Magistrates and the rest by Courts of Session.

Annual Statement 2—(Criminal).

Nature of offences reported and number of persons tried, convicted and acquitted in the Province of Bengal during 1940.

Description of offences.	Number of cases—			Number of persons—				
	Offences reported.	Returned as true.	Brought to trial.	Under trial, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another Province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Against the State	1	1	..	1	..	1	..	..
Relating to Army and Navy .. .. .	..	..	..	..	..	..	..	..
Against public tranquillity	2,296	1,427	1,359	10,817	5,078	3,357	6	2,376
By or relating to public servants	127	90	99	156	57	76	..	23
Contempts of the lawful authority of public servants	4,819	4,150	4,091	6,736	2,383	3,725	3	625
False evidence and offences against public justice ..	1,141	837	840	1,457	680	490	3	284
Relating to coin	168	138	125	241	69	132	1	39
Relating to Government stamps	27	24	26	32	8	20	..	4
Relating to weights and measures	89	70	75	83	4	69	..	10
Affecting the public health, safety, convenience, decency and morals	3,139	2,829	2,759	3,911	1,087	2,578	1	245
Relating to religion	64	45	37	122	77	30	..	15
<i>Affecting the human body.</i>								
Affecting life	1,790	1,471	1,270	3,536	1,448	1,140	51	897
Causing miscarriage, injuries to unborn children, exposure of infants and concealment of birth ..	62	39	34	63	33	16	..	14
Hurt	36,989	22,828	21,785	47,038	36,097	5,462	18	5,461
Wrongful restraint and wrongful confinement	3,303	1,643	1,533	3,670	2,840	390	2	438
Criminal force or assault	22,185	10,500	9,966	16,795	13,403	1,604	5	1,783
Kidnapping, forcible abduction, slavery and forced labour	1,650	949	888	2,599	1,666	484	2	447
Rape	259	192	175	342	167	118	..	57
Unnatural offence	79	59	42	68	30	32	1	5
<i>Against property.</i>								
Theft	40,746	27,023	19,835	40,373	21,011	12,189	41	6,532
Extortion	661	329	298	719	587	64	1	67
Robbery and dacoity	1,180	913	577	2,379	933	858	4	584
Criminal misappropriation	2,645	1,449	1,388	2,003	1,645	151	3	204
Criminal breach of trust	4,933	3,013	2,915	4,296	2,964	617	17	698
Receiving stolen property	2,917	2,519	2,377	4,154	1,253	2,412	10	479
Cheating	6,112	3,559	3,384	5,952	4,161	843	6	942
Fraudulent deeds and disposition of property	188	113	108	246	168	43	1	34
Mischief	18,308	9,660	9,133	20,588	15,854	2,032	10	2,692
Criminal trespass	28,128	15,892	10,030	22,887	16,015	3,975	24	2,873
Relating to documents and trade or property marks	384	242	233	575	342	126	3	104
Criminal breach of contracts of service	2	1	1	2	2	..	..	..
Relating to marriage	5,273	2,597	2,564	5,757	4,607	271	4	875
Defamation	634	269	289	509	374	44	..	91
Criminal intimidation, insult and annoyance	3,432	1,603	1,475	2,382	1,815	296	..	271
Under special and local laws	2,08,998	2,00,031	1,78,147	2,30,178	25,843	1,99,761	83	4,491
Total	4,02,729	3,16,505	2,77,858	4,40,667	1,63,301	2,43,406	300	33,660

Annual Statement 3—(Criminal).

General Results of Trials of Criminal Cases in the Province of Bengal in the year 1940.

Class of Tribunal.	Number of offences reported.	Number of persons under trial.	Persons whose cases were disposed of—					Number of persons released on probation under section 562, Cr. P. Code.
			Dis-charged or acquitted.	Convicted.	Committed or referred.	Died, escaped or transferred to another province.	Persons remaining under trial at the end of the year.	
1	2	3	4	5	6	7	8	9
I—MAGISTRATES.								
Union Benches	88,387	(a)1,81,148	1,39,743	8,474	..	..	28,200	..
Special Magistrates under section 14 ..		401	286	38	..	..	77	..
Subordinate Magistrates—								
Honorary Magistrates sitting singly—								
Second and Third class		38,700	15,881	18,999	..	17	3,803	47
First class		78,887	8,274	68,526	84	8	1,995	188
Stipendiary Magistrates sitting singly—								
Second and Third class		59,892	29,604	24,248	88	71	5,881	135
First class—								
Under ordinary powers	4,02,729	2,51,348	1,03,224	1,22,019	5,616	160	20,329	3,240
Under special powers under section 34 ..		..	..	..	..	..	..	..
Benches of Magistrates		10,108	3,248	6,376	..	35	449	1
District and Divisional Magistrates—Cases referred under sections 347 and 349 ..		90	1	88	1	..	..	9
Chief Magistrates of Districts—								
Under ordinary powers		325	19	300	..	..	6	4
Under special powers under section 34 ..		..	..	..	..	..	..	..
Total ..	4,02,729	4,39,751	1,60,537	2,40,594	5,789	291	32,540	3,624
II—COURTS OF SESSION.								
Assistant Judges		2,509	1,094	1,209	32	3	171	9
Judges and Additional Judges		4,134	1,587	1,527	77	6	937	9
Total ..		6,643	2,681	2,736	109	9	1,108	18
III—HIGH COURT GENERAL JURISDICTION.								
<i>High Court.</i>								
Cases coming before the Court under section 526, Cr. P. C. .. ..		..	..	..	..	..	..	..
Cases committed under Act XIV of 1908 ..		..	..	..	..	..	..	..
Cases committed by the Presidency Magistrates ..		52	33	17	..	..	2	..
Cases committed under section 447, sub-section (2), Cr. P. C. .. ..		..	..	..	..	..	..	..
Cases referred by Sessions Judges under section 307, Cr. P. C.		(b) 97	42	43	..	..	10	..
Cases referred by Sessions Judges under section 374, Cr. P. C.		(c) 30	8	16	..	..	..	..
Total ..		179	83	76	..	..	12	..
GRAND TOTAL ..	4,91,116	6,27,721	3,03,044	2,51,880	5,898	300	61,860	3,642

(a) Includes 4,731 persons transferred under section 66, proviso B of the Bengal Village Self-Government Act of 1919.

(b) Includes 2 persons in whose cases High Court ordered retrial.

(c) Includes 6 persons in whose cases High Court ordered retrial.

Column 5 includes the persons shown in column 9 of the statement.

Annual Statement 4—(Criminal).

Punishments inflicted in Criminal Cases in the Province of Bengal in the year 1940.

Class of Tribunal.	Number of persons executed.	Number of persons sentenced to—								Total amount of fines—			Number of persons sentenced to imprisonment of—			
		Death.	Transportation or penal servitude.	Imprisonment.	Fine or forfeiture.	Whipping.	Give security.	Fine of—		Imposed.	Realised.	Paid as compensation.	Fifteen days and under.	Above fifteen days to six months.	Above six months to two years.	Above two years.
								Rupees 10 and under.	Over Rs. 10.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—MAGISTRATES.																
Union Benches .. .. .	..	..	..	393	8,081	..	..	6,940	1,141	47,182	30,363	1,057	393	..	..	..
Special Magistrates under section 14 .. .. .	..	..	..	17	22	..	..	4	18	381	172	..	2	15	..	..
Subordinate Magistrates—																
Honorary Magistrates sitting singly—																
Second and Third class .. .. .	..	..	..	631	18,593	..	..	15,555	3,038	58,743	26,841	5,655	324	304	3	..
First class .. .. .	..	..	..	2,173	52,997	50	182	51,079	1,918	79,407	35,183	7,577	288	1,524	361	..
Stipendiary Magistrates sitting singly—																
Second and Third class .. .. .	..	..	..	2,961	21,097	..	..	15,664	5,433	1,88,972	1,03,265	14,788	395	2,544	22	..
First class—																
Under ordinary powers .. .. .	..	..	..	16,173	75,995	217	2,743	58,709	17,286	10,50,603	6,54,936	65,375	1,221	10,253	4,686	13
Under special powers under section 34 .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Benches of Magistrates .. .. .	..	..	..	17	6,367	..	..	5,229	1,138	21,793	12,240	377	4	13	..	..
District and Divisional Magistrates—Cases referred under sections 347, 349 .. .. .	..	..	..	79	..	..	..	..	..	90	90	..	..	19	60	..
Chief Magistrates of districts—																
Under ordinary powers .. .. .	..	..	..	22	258	1	..	243	15	5,356	1,978	..	2	10	6	4
Under special powers under section 34 .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	..	..	..	22,073	1,75,329	277	2,925	1,46,483	28,846	14,05,345	8,34,705	93,772	2,236	14,682	5,138	17
II.—COURTS OF SESSION.																
Assistant Judges .. .. .	..	..	..	1,193	51	7	9	2	49	4,641	765	11	1	108	352	732
Judges and Additional Judges .. .. .	..	..	91	1,389	33	11	30	..	33	6,275	299	840	11	162	402	814
Total	..	..	91	2,582	84	18	39	2	82	10,916	1,064	851	12	270	754	1,546
III.—HIGH COURT GENERAL JURISDICTION.																
HIGH COURT.																
Cases coming before the Court under section 526, Cr. P. C. .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cases committed under Act XIV of 1908 .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cases committed by the Presidency Magistrates	1	2	..	15	..	..	..	..	..	..	..	..	..	1	4	10
Cases committed under section 447, sub-section (2), Cr. P. C. .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cases referred by Sessions Judges under section 307, Cr. P. C. .. .. .	..	1	3	37	..	1	..	..	..	..	..	..	..	..	10	27
Cases referred by Sessions Judges under section 374, Cr. P. C.	2	11	5	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	3	14	8	52	..	1	..	..	..	..	..	..	..	1	14	37
GRAND TOTAL	3	14	99	25,100	1,83,494	296	2,964	1,53,425	30,069	14,63,443	8,66,132	95,680	2,641	14,953	5,906	1,600

Annual Statement 5—(Criminal).

General Results of Appeals and Revisions in the Province of Bengal during the year 1940.

Class of Tribunal.	Number of persons.							
	Number of appellants and applicants for Revision before the Courts.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence altered.	Sentence reversed.	Otherwise disposed of.	Died, escaped, or transferred to another Province.	Pending trial.
1	2	3	4	5	6	7	8	9
APPEALS.								
To District Magistrates from Subordinate Magistrates	7,377	1,387	2,366	844	1,982	126	1	671
To Courts of Session from—								
Magistrates	9,533	1,862	3,251	1,432	2,086	122	5	775
Assistant Judges	585	107	211	77	47	50	7	36
To Superior Courts—								
By persons convicted—								
Presidency Magistrates	247	159	25	8	27	3	..	25
Other Magistrates .. .. .	..	..	..	..	..	..	..	..
Sessions Judges	1,552	912	152	118	133	48	..	189
By Government from judgments of acquittal under section 417 from all courts ..	19	1	4	..	2	5	..	7
Total ..	19,263	4,428	6,009	2,479	4,277	354	13	1,703
REVISION.								
Union Benches (revision under section 71 of the Bengal Village Self-Government Act) ..	1,702	570	334	171	184	239	28	176
By District Magistrates of order of Subordinate Magistrates	2,239	745	654	85	233	356	..	166
By Courts of Session of order of Magistrates ..	7,501	1,997	3,094	5	86	1,788	11	520
By High Court (cases referred for orders under sections 432, 438) of order of Magistrates ..	874	..	232	48	178	285	..	131
By High Court (cases dealt with under section 435) of order of—								
Magistrates	1,544	910	190	98	101	143	..	102
Courts of Session	2,009	1,400	329	353	114	263	1	149
Total ..	14,767	5,052	4,499	589	712	2,835	12	1,068
GRAND TOTAL ..	35,732	10,050	10,842	3,239	5,173	3,428	53	2,947

Criminal business coming before the High Court from the Province of Bengal in 1940.

Description of cases.	Remaining from 1939.	Filed in 1940.	Disposed of in 1940.	Remaining at the close of 1940.
1	2	3	4	5
ORIGINAL CRIMINAL JURISDICTION.				
<i>Sessions Cases.</i>				
Cases under section 526, Criminal Procedure Code .. .. .	..	..	..	..
Cases committed by the Presidency Magistrates .. .. .	..	33	31	2
Cases committed under section 447, sub-section (2), Criminal Procedure Code .. .. .	..	..	..	..
Cases committed under Act XIV of 1908 .. .. .	..	..	..	..
Total ..	..	33	31	2
APPELLATE JURISDICTION.				
<i>Appeals.</i>				
By persons convicted—				
From the orders of the Presidency Magistrates	35	183	198	20
Other Magistrates .. .. .	..	..	..	..
Sessions Judges	94	509	533	70
By the Provincial Government—				
From judgments of acquittal of all Courts	2	6	5	3
Total ..	131	698	736	93
<i>References.</i>				
Cases in which the Sessions Judge dissented from the verdict of a Jury and referred under section 307, Criminal Procedure Code	6	40	41	5
Cases in which sentences of death passed by the Sessions Judge were referred for confirmation under section 374, Criminal Procedure Code, and section 4 of Act XXII of 1860	4	17	21	..
Cases in which proceedings held against persons who cannot understand them were referred for orders under section 341, Criminal Procedure Code .. .. .	..	2	2	..
Reference under section 339, Criminal Procedure Code .. .. .	..	..	..	..
Reference by Presidency Magistrates under section 432, Criminal Procedure Code .. .. .	..	..	..	..
Reference by Presidency Magistrates under section 123, Criminal Procedure Code .. .. .	..	..	..	..
Total ..	10	59	64	5
<i>Revisions.</i>				
Cases referred for revision by District Magistrates and Sessions Judges under section 438, Criminal Procedure Code	42	217	226	33
Cases dealt with by the Court under section 435, Criminal Procedure Code, and under section 15 of the Charter Act—				
(1) Cases decided by Magistrates	96	578	624	50
(2) Cases decided by Sessions Judges	111	761	797	75
Cases under sections 195 and 476, Criminal Procedure Code	8	17	25	..
Cases dealt with under section 526, Criminal Procedure Code	10	69	77	2
Total ..	267	1,642	1,749	160
Full Bench Reference .. .. .	..	..	..	..
Miscellaneous orders in Court .. .. .	..	51	50	1
Total ..	..	51	50	1

