

- (ii) offences under section 5 of the Control of Imports and Exports (Temporary) Act, 1947 ;
- (iii) offences under section 6 (1) of the Public Property Protection Act, 1947 ;
- (iv) offences under section 4 (2) of the Suppression of Corruption Act, 1948 ;
- (v) offences under section 2 of the Arms (Emergency Punishment) (Temporary) Act, 1949 ;
- (vi) offences under section 19A of the Arms Act ;
- (vii) offences under the Emergency Provisions Act, 1950 ;

Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail."

3. Section 498 of the Code shall have effect as if for sub-section (1) thereof the following were *substituted*, namely :—

"(1) The High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, unless there are reasonable grounds for believing that the accused has been guilty of an offence under section 122 of the Penal Code or of any of the offences mentioned in clauses (i) to (vii) of sub-section (1) of section 497, or direct that the bail required by a police-officer or Magistrate be reduced."

4. The Code of Criminal Procedure (Temporary Provisions) Act, 1953, is hereby repealed.

### THE WHIPPING ACT

[INDIA ACT IV, 1909] (22nd March, 1909)

1. \* \* \* \*

Whipping added to punishments described in the Penal Code.

Offences punishable with whipping in lieu of other punishments.

2. In addition to the punishments described in section 53 of the Penal Code, offenders are also liable to the punishment of whipping.

3. Whoever commits any of the following offences, namely :—

- (a) theft, as defined in section 378 of the Penal Code other than theft by a clerk or servant of property in possession of his master ;
- (b) theft in a building, tent or vessel, as defined in section 380 of the said Code ;
- (c) theft after preparation for causing death or hurt, as defined in section 382 of the said Code ;
- (d) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to th

committing of any offence punishable with whipping under this section ;

- (e) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section ;

may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the said Code.

4. Whoever—

- (a) abets, commits or attempts to commit rape, as defined in section 375 of the Penal Code ;
- (b) compels, or induces any person by fear of bodily injury, to submit to an unnatural offence, as defined in section 377 of the said Code ;
- (c) voluntarily causes hurt in committing or attempting to commit robbery, as defined in section 390 of the said Code ;
- (d) commits dacoity, as defined in section 391 of the said Code ;
- (e) commits any offence under sections 324, 325, 326, 329, 331, 333, 365, 366, 366A, 367, 368, 369, 372, 392 or 393 of the said Code ;
- may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence, abetment or attempt be liable under the said Code.

Offences punishable with whipping in lieu of or in addition to other punishment.

5. Any juvenile offender who abets, commits or attempts to commit—

- (a) any offence punishable under the Penal Code, except offences specified in Chapter VI and in sections 153A and 505 of that Code and offences punishable with death, or
- (b) any offence punishable under any law with imprisonment which the President of the Union may, by notification in the Gazette, specify in this behalf,

Juvenile offenders when punishable with whipping.

may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable.

*Explanation*—In this section the expression “juvenile offender” means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary, shall find to be under sixteen years of age, the finding of the Court in all cases being final and conclusive.

6. Whenever the President of the Union has, by notification<sup>1</sup> in the Gazette, declared the provisions of this section to be in force in any frontier district or any wild tract of country within the Union of Burma, any person who in such district or tract of country, after such notification, as aforesaid, commits any offence punishable under the Penal Code with imprisonment for three years or upwards, may be punished with whipping in lieu of any other punishment to which he may be liable under the said Code.

Special provisions as to punishment with whipping in frontier districts.

<sup>1</sup> For such a Notification, see *Burma Gazette*, 1909, Part I, p. 572.