

CHAPTER 37.

SUMMARY CONVICTION OFFENCES.

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CHAPTER 37.

SUMMARY CONVICTION OFFENCES.

An Ordinance to Consolidate and Amend the Law relating to Offences Punishable on Summary Conviction.

[7TH NOVEMBER, 1906.]

20 of 1906.
 36 of 1907.
 17 of 1908.
 8 of 1909.
 25 of 1910.
 8 of 1911.
 24 of 1913.
 8 of 1922.
 5 of 1924.
 45 of 1924.
 7 of 1926.
 17 of 1926.
 31 of 1926.
 10 of 1927.
 9 of 1928.
 Sec. 151 of
 38 of 1932.
 42 of 1932.
 24 of 1933.
 21 of 1938.
 32 of 1945.
 O.-in-C. No.
 23 of 1924.
 P.N.
 124 of 1943.
 5 of 1948.
 4 of 1950.
 13 of 1950.
 17 of 1954.
 22 of 1955.
 32 of 1959.

PART I.—PRELIMINARY.

1. (1) This Ordinance may be cited as the Summary Conviction Offences Ordinance.

Short title
and applica-
tion.

(2) The following sections shall apply to the Protectorate—

13 of 1950.
 17 of 1954.
 22 of 1955.

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 37, 38, 43, 44, 45, 46, 47, 48, 49, 61, 62 and 64.

2. Throughout this Ordinance, unless the context otherwise requires—

Interpreta-
tion.

“conviction” means conviction before a Magistrate.

3. Where an offence may be prosecuted summarily, both under a Statute and an Ordinance, the same shall be prosecuted under the Ordinance.

Case of
offences under
both Statute
and
Ordinance.

4. In cases where an Ordinance, or Statute, creates an offence, but does not fix the fine, or term of imprisonment, to be inflicted on conviction for such offence, a Magistrate shall not inflict a greater fine than ten pounds, or sentence to a longer term of imprisonment than six months.

Limit of
penalties
where none
specified.

Increased punishment in cases of two and three or more previous convictions for felony. 5 of 1948.

5. If any person shall be convicted before a Magistrate of any offence under sections 12, 13 and 14 of this Ordinance and such person shall be proved to have been convicted of an offence, either under the said sections or under the Larceny Act, 1916, upon two previous occasions, it shall be lawful for the Magistrate to sentence such person to undergo a term of imprisonment not exceeding twelve months, and if such person shall be proved to have been convicted of such an offence as aforesaid upon three or more previous occasions, it shall be lawful for the Magistrate to sentence such person to undergo a term of imprisonment not exceeding two years.

Sentences cumulative or concurrent.

6. Where a Magistrate sentences any person to a term of imprisonment, and such person is already undergoing, or has been, at the same sitting of the Court, sentenced to a term of imprisonment for another offence, the Magistrate may, in his discretion, direct that such term shall run concurrently, with, or commence at the expiration of, the term of imprisonment, which such person is then undergoing, or to which he has been previously sentenced.

Imprisonment with or without hard labour.

7. In all cases where a sentence of imprisonment may be imposed under this Ordinance, such imprisonment shall be with, or without, hard labour, at the option of the Magistrate.

Fine in lieu of imprisonment in certain cases.

8. Where a person is convicted of an offence punishable on summary conviction, and imprisonment is prescribed by law as the sole punishment for such offence, the Magistrate may, nevertheless, if he thinks fit, inflict a fine, not exceeding twenty pounds, on the person so convicted.

Saving of powers conferred by other Ordinances.

9. Nothing in this Ordinance contained shall be deemed to take away any other powers of dealing with offenders on summary conviction, conferred by any Ordinance now or hereafter in force.

Aiders and abettors.

10. Any person who shall aid, abet, counsel, or procure the commission of any offence which is, or hereafter shall be, punishable on summary conviction, shall be liable to be proceeded against, and convicted for the same, either together with the principal offender, or before, or after, his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is, or shall be, by law liable, and may be proceeded against, and convicted, either within the jurisdiction of the Magistrate of the district where such principal offender may be convicted, or in that in which such offence of

aiding, abetting, counselling, or procuring, may have been committed.

11. Unless this Ordinance otherwise directs, all complaints shall be made, and informations laid, with respect to acts or omissions made offences under this Ordinance, within three months from the date when the matter of such complaints, or informations, arose:

Prosecution of offences within three months.

Provided always, that this section shall not apply to offences under Part II hereof.

PART II.—LARCENY, ETC.

12. Any person who shall, in any manner, steal, embezzle, or by any false pretences obtain, from any person, with intent to cheat, or defraud any person of the same, any money, goods, chattels, or property of any kind, or shall fraudulently convert any property entrusted to him or the proceeds thereof, the amount or value whereof (to be ascertained as hereinafter mentioned) shall not exceed the sum of one hundred pounds, shall be liable, on conviction thereof, to imprisonment for any period not exceeding six months.

Offences to which this Ordinance applies. 32 of 1959.

13. (1) Every person who shall be brought before a Magistrate, charged with having in his possession, or with conveying in any manner, anything which may be reasonably suspected of being stolen, or unlawfully obtained, and who shall not give an account to the satisfaction of the Magistrate of how he came by the same, shall be liable, on conviction, to a fine of not more than twenty pounds, or, in the discretion of the Magistrate, to imprisonment for a period not exceeding six months.

Persons in possession of property suspected of being stolen.

(2) When any person shall be brought before a Magistrate charged with having or conveying in any manner anything stolen or unlawfully obtained, or which may be reasonably suspected of having been stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent or servant to convey the same for some other person, such Magistrate shall, if practicable, cause every such other person, and also if necessary, every former or pretended purchaser or other person through whose possession such thing as aforesaid shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same; and if it shall appear to such Magistrate that any person so brought before him shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained,