

by law to constitute the offence charged was fulfilled in the particular case.

(3.) Where the nature of the case is such that the particulars above mentioned do not give such sufficient notice as aforesaid, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will give such sufficient notice.

(4.) For the purposes of the application of any Statute law, a charge framed under the provisions of this Order shall be deemed to be an indictment.

44. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases following, that is to say:—

(a.) Where a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

(b.) If in one series of acts so connected together as to form the same transaction more offences than one are committed by the same person, he may be charged with and tried at one trial for every such offence.

(c.) If the acts alleged constitute an offence falling within two or more definitions or descriptions of offences in any law or laws, the accused may be charged with, and tried at one trial for, each of such offences.

(d.) If several acts constitute several offences, and also when combined, a different offence, the accused may be charged with, and tried at one trial for, the offence constituted by such acts when combined, or one or more of the several offences, but in the latter case shall not be punished with more severe punishment than the Court which tries him could award for any one of those offences.

(e.) If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the offences; and if it appears in evidence that he has committed a different offence for which he might have been charged, he may be convicted of that offence, although not charged with it.

45. When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one is accused of committing an offence and another of abetting or attempting to commit that offence, they may be charged and tried together or separately, as the Court thinks fit.

46.—(1.) The Court, if sitting with a jury or assessors, may alter any charge at any time before the verdict of the jury is returned or the opinions of the assessors are expressed; if sitting without jury or assessors, at any time before judgment is pronounced.

(2.) Every such alteration shall be read and explained to the accused.

(3.) If the altered charge is such that proceeding with the trial immediately is likely, in the opinion of the Court, to prejudice the accused or the prosecutor, the Court may adjourn the trial for such period as may be necessary.

47.—(1.) No error or omission in stating either the offence or the particulars shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

(2.) When the facts alleged in certain particulars are proved and constitute an offence, and the remaining particulars are not proved, the accused may be convicted of the offence constituted by the facts proved, although not charged with it.

(3.) When a person is charged with an offence, and the evidence proves either the commission of a minor offence or an attempt to commit the offence charged, he may be convicted of the minor offence or of the attempt.

48.—(1.) If the accused has been previously convicted of any offence, and it is intended to prove such conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date, and place of the previous conviction shall be stated in the charge.

(2.) If such statement is omitted, the Court may add it at any time before sentence is passed.

(3.) The part of the charge stating the previous convictions shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted, as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(4.) If he pleads guilty to, or is convicted of the subsequent offence, he shall then be asked whether he has been previously convicted, as alleged in the charge.

(5.) If he answers that he has been so previously convicted, the Court may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer the question, the Court shall then inquire concerning the previous conviction, and in that case (where the trial is by jury) it shall not be necessary to swear the jurors again.

Punishments.

49. The powers of the Courts with respect to punishments are limited as follows:—

(1.) The Court for Siam may award in respect of an offence any punishment which may in respect of a similar offence be awarded in England: provided that (a) imprisonment with hard labour shall be substituted for penal servitude, and (b) the Court for Siam shall not award a fine exceeding five hundred pounds; or, in case of a continuing offence, in addition to imprisonment or fine, or both, a fine not exceeding one pound for each day during which the offence continues after conviction.

(2.) A District Court may award imprisonment, not exceeding twelve months, with or without hard labour, and with or without a fine not exceeding one hundred pounds; or, a fine not exceeding one hundred pounds, without imprisonment.

(3.) But nothing in this Article shall be deemed to empower any Court to award for any offence any punishment not authorized by law in relation to that offence.

50.—(1.) If any person is guilty of an offence against this Order not distinguished as a grave offence against this Order, he is liable, on summary conviction—

(i.) To a fine not exceeding five pounds, without any imprisonment; or

(ii.) To imprisonment not exceeding one month, without fine; or

(iii.) To imprisonment not exceeding fourteen days, with a fine not exceeding two pounds.

(2.) Imprisonment under this Article is without hard labour.

51.—(1.) If any person is guilty of an offence against this Order, distinguished as a grave offence against this Order, he is liable, on summary conviction—