

Factories Act, 1948

Section 94 - Enhanced Penalty After Previous Conviction

1[(1)] If any person who has been convicted of any offence punishable under section 92 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to 2[three years] or with fine 3 [which shall not be less than 4[ten thousand rupees] but which may extend to 5[two lakh rupees]] or with both :

6[Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a fine of less than 4[ten thousand rupees]:

Provided further that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than 7[thirty-five thousand rupees] in the case of an accident causing death and 8[ten thousand rupees] in the case of an accident causing serious bodily injury.]

9[(2) For the purposes of sub-section (1) no cognizance shall be taken of any conviction made more than two years before the commission or the offence for which the person is subsequently being convicted.]

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1. Section 94 re-numbered is sub-section (1) thereof by Act 94 of 1976, section 41 (w.e.f. 26-10-1976).
 2. Substituted by Act 20 of 1987, section 31, for "six months" (w.e.f. 1-12-1987).
 3. Substituted by Act 94 of 1976, section 41, for "which may be extend to one thousand rupees" (w.e.f. 26-10-1976).
 4. Substituted by Act 20 of 1987, section 31, for "two hundred rupees" (w.e.f. 1-12-1976).
 5. Substituted by Act 20 of 1987, section 31, for "five thousand rupees" (w.e.f. 1-12-1987).
 6. Substituted by Act 94 of 1976, section 41, for the proviso (w.e.f. 26-10-1976).
 7. Substituted by Act 20 of 1987, section 31, for "two thousand rupees" (w.e.f. 1-12-1987).
 8. Substituted by Act 20 of 1987, section 31, for "one thousand rupees" (w.e.f. 1-12-1987).
 9. Inserted by Act 94 of 1976, section 41 (w.e.f. 26-10-1976).
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