

**Code Of Criminal Procedure (West Bengal Second
Amendment) Act, 1985**

17 of 1985

[21 August 1985]

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PREAMBLE

An Act to amend the Code of Criminal Procedure, 1973, in its application to West Bengal.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1973, in its application to West Bengal, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:-

NOTE

The Criminal Procedure Code, 1973 (West Bengal Amendment) Act, in its application to West Bengal, this Act has been enacted.

1. Assent of the President was first published in the Calcutta Gazette. Extraordinary, dated the 21st August, 1985.

1. Short title and commencement :-

(1) This Act may be called the Code of Criminal Procedure (West Bengal Second Amendment) Act, 1985.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Application of the Act :-

The Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided.

3. Amendment of section 25 of Act 2 of 1974 :-

For sub-section (3) of section 25 of the principal Act, the following sub-section shall be substituted:-

(3) Where no Assistant Public Prosecutor is available for the purposes of any particular case, any advocate may be appointed to be the Assistant Public Prosecutor in charge of that case,-

(a) where the case is before the Court of a Judicial Magistrate in any area in a sub-division wherein the headquarters of the District Magistrate are situated, by the District Magistrate; or

(b) where the case is before the Court of a Judicial Magistrate in any area in a sub-division, other than the sub-division referred to in clause (a), wherein the headquarters of the Sub-divisional Magistrate are situated, by the Sub-divisional Magistrate; or

(c) where the case is before the Court of a Judicial Magistrate in any area, other than the area referred to in clauses (a) and (b), by a local officer (other than a police officer) specially authorised by the District Magistrate in this behalf.

Explanation.-For the purposes of this sub-section,-

(i) "advocate" shall have the same meaning as in the Advocates Act, 1961;

(ii) "local officer" shall mean an officer of the State Government in any area, other than the area referred to in clauses (a) and (b);