

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

33 of 1985

[28 January 1986]

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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 of India was first published in the Calcutta Gazette. Extraordinary, dated the 28th January, 1986.

1. Short title and commencement :-

(1) This Act may be called the Code of Criminal Procedure (West Bengal Third 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 357 of Act 2 of 1974 :-

In section 357 of the principal Act,-

(a) in sub-section (1), for the words and brackets "When a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied-", the words and brackets "When a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, and where the person against whom an offence has been committed belongs to Scheduled Castes or Scheduled Tribes, except when both the accused person and the person against whom an offence has been committed belong either to Scheduled Castes or to Scheduled Tribes, shall, when passing judgment, order the whole or any part of the fine recovered to be applied-" shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted:- "(3) When a Court imposes a sentence, of which fine does not form a part,

the Court may, and where the person against whom an offence has been committed belongs to Scheduled Castes or Scheduled Tribes, shall, when passing judgment, order the accused person to pay, by way of compensation, such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced:

Provided that the Court may not order the accused person to pay by way of compensation, any amount if both the accused person and the person against whom an offence has been committed belong either to Scheduled Castes or to Scheduled Tribes.";

(c) after sub-section (5), the following Explanation shall be inserted:-

Explanation.-For the purposes of this section, the expressions "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution of India..