

**Criminal Procedure (West Bengal Second Amendment) Act,  
1950**

**60 of 1950**

**[30 November 1950]**

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**Criminal Procedure (West Bengal Second Amendment) Act,  
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PREAMBLE

An Act further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal, in the manner hereinafter appearing;

It is hereby enacted as follows:-

NOTE

The Criminal Procedure Code, 1898, (West Bengal Amendment) Act, in its application to West Bengal, this Act has been enacted.

**1. Short title :-**

This Act may be called the Criminal Procedure (West Bengal Second Amendment) Act, 1950.

**2. Application :-**

The Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code) shall, in its application to West Bengal, be amended in the manner hereinafter provided.

### **3. Amendment of section 407 of Act 5 of 1898 :-**

In section 407 of the said Code,-

(a) in sub-section (1), for the words "may appeal to the District Magistrate", the following shall be substituted, namely:-

"may appeal-

(a) in any such district as the State Government may, by notification in the Official Gazette, specify, to the Court of Session, and

(b) in any other district, to the District Magistrate.";

(b) in sub-section (2), for the words "under this section" the words, brackets, letter and figure "under clause (b) of sub-section (1) of this section" shall be substituted; and

(c) after sub-section (2), the following sub-section shall be added, namely :-

"(3) The Sessions Judge may transfer to any Assistant Sessions Judge subordinate to him any appeal presented to the Court of Session under clause (a) of sub-section (1) of this section and thereupon such appeal shall be heard by such Assistant Sessions Judge. The Sessions Judge may withdraw from such Assistant Sessions Judge any appeal so transferred.".

### **4. Amendment of section 409 :-**

In section 409 of the said Code, before the words "An appeal" the words, brackets and figures "Subject to the provisions of sub-section (3) of section 407," shall be inserted.