
**Code Of Criminal Procedure (Maharashtra Amendment) Act,
1976****23 of 1976****[09 June 1976]****CONTENTS**

1. Short Title
2. Insertion Of Section 14A In Act 2 Of 1974
3. Amendment Of Section 18 Of Act 2 Of 1974

**Code Of Criminal Procedure (Maharashtra Amendment) Act,
1976****23 of 1976****[09 June 1976]**

An Act to amend the Code of Criminal Procedure, 1973. in its application to the State of Maharashtra WHEREAS it is expedient to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, for the purposes hereinafter appearing: It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:-

1. Short Title :-

This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 1976.

2. Insertion Of Section 14A In Act 2 Of 1974 :-

After section 14 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter referred to as "the said Code"), the following section shall be inserted, namely :-
"14A. Investing Judicial Magistrates with jurisdiction in specified cases or local area.- The High Court may invest any Judicial Magistrate with all or any of the powers conferred or conferrable by or under this Code upon a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases or in

regard to cases generally in any local area consisting of all or any of the districts specified by it in this behalf."

NOTES

In the old Code of Criminal Procedure, 1898. section 14 was applicable to "in any local area", for the purpose of appointing Special Judicial Magistrates and Special Metropolitan Magistrates. Whereas in the new Code of 1973. instead of this expression, the words were used in section 14 and section 18. as "in any district" and "in any metropolitan area" thereby missing the wider expression. The difficulties arose in the case of appointing Special Magistrates for the trial cases like Railway and Motor Vehicle Cases. To overcome these difficulties, following amendment found necessary to take power to appoint Magistrates for any local area and to invest the Magistrate in the districts with the powers of a Judicial Magistrate of the First Class.

"Local Limits".- The power to define local jurisdiction Magistrate has been conferred on the Chief Judicial Magistrate subject to the overall control of the High Court which, under the Code, is the appointing authority for the Judicial Magistrates.

In the new Code, the Central Amendment Act was adopted in 1978 for section 14.

The proviso to sub-section (1) has been inserted so that the Court of Special Judicial Magistrate can hold its sittings at any place within the specified local area. The intention is to facilitate the holding of Mobile Court.

Sub-section (3) has been inserted to provide that where the local jurisdiction of a Magistrate extends beyond a specific district or metropolitan area, in which he generally holds his Court, reference in the Code to the Court of Sessions or Chief Judicial Magistrate or Chief Metropolitan Magistrate shall, in relation to whole area in his local jurisdiction, should be construed as reference to the Court of Session. Chief Judicial Magistrate or Chief Metropolitan Magistrate, as the case may be, exercising jurisdiction over the district in which he generally holds his Court.

3. Amendment Of Section 18 Of Act 2 Of 1974 :-

In section 18 of the said Code, in sub-section (1), for the words "in any metropolitan area" the words "in one or more metropolitan areas" shall be substituted.

NOTES

The amendment was adopted after the critical review of the system

of appointing Hon. Magistrates, by the Joint Committee of Parliament. However, the Committee recommended that the power to appoint Special Magistrates should be retained both in metropolitan areas and elsewhere, with certain modifications.