

Code Of Criminal Procedure (Madras Amendment) Act, 1955

34 of 1956

[23 November 1955]

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PREAMBLE

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

Whereas it is expedient further to amend the Code of Criminal Procedure, 1898 (Central Act V of 1898), in its application to the State of Madras for the purposes hereinafter appearing;

Be it enacted in the Sixth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Part IV-A, dated the 10th August 1955, page 156.

1. Short title, extent and commencement :-

(1) This Act may be called the Code of Criminal Procedure (Madras Amendment) Act, 1955.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on *such date as the State Government may, by notification in the Fort St. George Gazette, appoint.

* Came into force on the 1st January 1956.

2. Amendment of section 4, Central Act V of 1898 :-

In section 4, sub-section (1), of the Code of Criminal Procedure, 1898 (Central Act V of 1898) (hereinafter referred to as the said Code)--

(a) clause (e) shall be omitted;

(b) in clause (t), the words "and any person conducting a prosecution on behalf of Government in any High Court, in the exercise of its original criminal jurisdiction" shall be omitted.

3. Amendment of section 7, Central Act V of 1898 :-

In section 7 of the said Code--

(a) in sub-section (1), the brackets and words "(excluding the presidency-towns)" shall be omitted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:--

"(1-A) For the purposes of this Code, the presidency-town of Madras shall be a sessions division".

4. Substitution of new heading for heading C in Chapter II, Central Act V of 1898 :-

In Chapter II of the said Code, for the heading "C.--Courts and Offices outside the Presidency-towns", the heading "C.--Court of Session for the Presidency-town of Madras and Courts and Offices outside the Presidency-town of Madras" shall be substituted.

5. Amendment of section 29, Central Act V of 1898 :-

In section 29 of the said Code,--

(a) to sub-section (1), the following proviso shall be added, namely:--

"Provided that where the Court so mentioned is the High Court, it shall observe in the trial of such offence the same procedure which a Court of Session would observe if it were trying that case.";

(b) in sub-section (2), the words "by the High Court or" shall be omitted.

6. Amendment of section 198-B, Central Act V of 1898 :-

In section 198-B of the said Code, sub-section (12) shall be

omitted.

7. Amendment of heading in Chapter XVIII, Central Act V of 1898 :-

In Chapter XVIII of the said Code, in the heading, the words "OR HIGH COURT" shall be omitted.

8. Amendment of section 206, Central Act V of 1898 :-

In section 206 of the said Code--

- (a) in sub-section (1), the words "or High Court" shall be omitted.
- (b) sub-section (2) shall be omitted.

9. Amendment of section 207, Central Act V of 1898 :-

In section 207 of the said Code, the words "or High Court" shall be omitted.

10. Amendment of section 207-A, Central Act V of 1898 :-

In section 207-A of the said Code--

(i) in the proviso to sub-section (9), the concluding portion beginning with the words and, where the accused" and ending with the words "to give evidence on such trial" shall be omitted;

(ii) in sub-section (10), the words "the High Court or" and the words "as the case may be" shall be omitted;

(iii) in sub-section (11), the first proviso shall be omitted and in the second proviso the word "also" occurring after the word "Provided" shall be omitted;

(iv) in sub-section (12), the words "or High Court" in the two places where they occur shall be omitted;

(v) in sub-section (13), the words "or High Court" wherever they occur and the words "as the case may be" shall be omitted;

(vi) in sub-section (14), the words "or where the commitment is made to the High Court to the Clerk of the State or other officer appointed in this behalf by the High Court" shall be omitted; and

(vii) sub-section (15) shall be omitted.

11. Amendment of section 211, Central Act V of 1898 :-

In section 211, sub-section (2), of the said Code, the portion beginning with the words "and where the accused" and ending with the words "on such trial" shall be omitted.

12. Amendment of section 213, Central Act V of 1898 :-

In section 213, sub-section (1), of the said Code, the words "the High Court or" and the brackets and words "(as the case may be)" and "(unless the Magistrate is a Presidency Magistrate)" shall be omitted.

13. Amendment of section 216, Central Act V of 1898 :-

In section 216 of the said Code.--

(a) the first proviso shall be omitted;

(b) in the second proviso, the word "also" shall be omitted.

14. Amendment of section 217, Central Act V of 1898 :-

In section 217 of the said Code, in sub-section (1), the words "or High Court" in the two places where they occur shall be omitted and in sub-section (2), the words "or High Court" wherever they occur and the words "as the case may be" shall be omitted.

15. Amendment of section 218, Central Act V of 1898 :-

In section 218 of the said Code,--

(a) in sub-section (1), the words and brackets "or (where the commitment is made to the High Court) to the Clerk of the State or other Officer appointed in this behalf by the High Court" shall be omitted;

(b) sub-section (2) shall be omitted.

16. Amendment of section 226, Central Act V of 1898 :-

In section 226 of the said Code, the words "or, in the case of a High Court, the Clerk of the State" shall be omitted.

17. Amendment of section 227, Central Act V Of 1898 :-

In section 227, sub-section (1), of the said Code, the words "or High Court" shall be omitted.

18. Amendment of heading in Chapter XXIII, Central Act V of 1898 :-

In Chapter XXIII of the said Code, in the heading, the words "HIGH COURTS AND" shall be omitted.

19. Omission of sections 266, 267, 273 and 305, Central Act V of 1898 :-

Sections 266, 267, 273 and 305 of the said Code shall be omitted.

20. Amendment of section 274, Central Act V of 1898 :-

In section 274 of the said Code, sub-section (1) shall be omitted.

21. Amendment of section 276, Central Act V of 1898 :-

In section 276 of the said Code, clause thirdly of the proviso shall be omitted.

22. Amendment of section 277, Central Act V of 1898 :-

In section 277 of the said Code, the proviso to sub-section (2) shall be omitted.

23. Amendment of section 296, Central Act V of 1898 :-

In section 296 of the said Code, the words "before such Court" shall be omitted.

24. Omission of headings J and L and the provisions thereunder in Chapter XXIII, Central Act V of 1898 :-

In Chapter XXIII of the said Code, the headings "J.--

List of Jurors for High Court, and summoning jurors for that Court" and "L.--

Special provisions for High Courts" and the provisions thereunder, namely, sections 312 to 318 (both inclusive) and sections 333, 334 and 335 shall be omitted.

25. Amendment of section 321, Central Act V of 1898 :-

In section 321 of the said Code, in sub-section (1), after the words "Collector of the district", the brackets and words "(or the Collector of Madras in the Presidency-town of Madras)" shall be inserted.

26. Amendment of section 322, Central Act V of 1898 :-

In section 322 of the said Code, after the words "in the Court-houses of the District Magistrate and of the District Court", the words "or, as the case may be, of the Chief Presidency Magistrate and of the Sessions Court" shall be inserted.

27. Amendment of section 325, Central Act V of 1898 :-

In section 325 of the said Code, after the words "any district", the brackets and words "(including the Presidency-town of Madras)" and after the words "the Collector of such district", the brackets and Words "(or the Collector of Madras in the Presidency-town of Madras)" shall be inserted.

28. Amendment of section 326, Central Act V of 1898 :-

In section 326 of the said Code, in sub-section (1), after the Words "District Magistrate", the words "or in the Presidency-town of Madras, the Chief Presidency Magistrate" shall be inserted.

29. Amendment of section 332, Central Act V of 1898 :-

In section 332, sub-section (2), of the said Code, after the words "District Magistrate" the words "or in the Presidency-town of Madras, the Chief Presidency Magistrate" shall be inserted.

30. Amendment of section 337, Central Act V of 1898 :-

In section 337 of the said Code,--

- (a) in sub-section (1), the words "High Court or" shall be omitted;
- (b) in sub-section (2-A), the words "or High Court, as the case may be" shall be omitted.

31. Amendment of section 339-A, Central Act V of 1898 :-

In section 339-A, sub-section (1)(a), of the said Code, the words "High Court or" shall be omitted.

32. Amendment of section 341, Central Act V of 1898 :-

In section 341 of the said Code, the words "in the case of a Court other than a High Court" shall be omitted.

33. Amendment of section 344, Central Act V of 1898 :-

In section 344, sub-section (2), of the said Code, the words "by a Court other than a High Court" shall be omitted.

34. Amendment of section 347, Central Act V of 1898 :-

In section 347, sub-section (1), of the said Code, the words "or High Court" shall be omitted.

35. Amendment of section 348, Central Act V of 1898 :-

In section 348 of the said Code--

(a) in sub-section (1), the words "or High Court, as the case may be," shall be omitted;

(b) in sub-section (2), the words "or High Court" shall be omitted.

36. Amendment of sections 354 and 356, Central Act V of 1898 :-

In the marginal note to sections 354 and 356 of the said Code, the words "outside presidency-towns" shall be omitted.

37. Amendment of section 373, Central Act V of 1898 :-

For the marginal note to section 373 of the said Code, the marginal note "Copy of finding and sentence to be sent to District Magistrate or Commissioner of Police" shall be substituted, and to section 373, the following proviso shall be added, namely:--

"Provided that the Court of Session for the Presidency-town of Madras shall send such copy to the Commissioner of Police".

38. Amendment of section 411-A, Central Act V of 1898 :-

In section 411-A of the said Code--

(i) in sub-section (1), the words "in the exercise of its original criminal jurisdiction" shall be omitted;

(ii) in sub-section (2), for the words "in the exercise of its original criminal jurisdiction", the words "in a trial Held by it" shall be substituted.

39. Amendment of section 435, Central Act V of 1898 :-

In section 435, sub-section (1), of the said Code, after the words "any Sessions Judge", the words "other than the Sessions Judge in the City of Madras" shall be inserted.

40. Amendment of section 465, Central Act V of 1898 :-

In section 465, sub-section (1), of the said Code, the words "or a High Court" shall be omitted.

41. Amendment of section 469, Central Act V of 1898 :-

In section 469 of the said Code, the words "or High Court" in the two places where they occur and the words "as the case may be" shall be omitted.

42. Amendment of section 478, Central Act V of 1898 :-

In section 478, sub-section (1), of the said Code, the words "High Court or" wherever they occur and the words "as the case may be" shall be omitted.

43. Amendment of section 479, Central Act V of 1898 :-

In section 479 of the said Code, the words "High Court or" and the words "as the case may be" shall be omitted.

44. Amendment of section 487, Central Act V of 1898 :-

In section 487, sub-section (2), of the said Code, the words "or High Court" shall be omitted.

45. Amendment of section 526, Central Act V of 1898 :-

In section 526, sub-section (2), of the said Code, for the words and

figures "from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe", the words "from any Court, it shall observe" shall be substituted.

46. Amendment of section 526-A, Central Act V of 1898 :-

In section 526-A, sub-section (1), of the said Code, for the words "try the case by jury", the words "try the case in accordance with the same procedure which a Court of Session would observe if the case were to be tried by that Court" shall be substituted.

47. Amendment of section 539, Central Act V of 1898 :-

In section 539 of the said Code, the words "or the Clerk of the State" shall be omitted.

48. Amendment of Schedule V, Central Act V of 1898 :-

In Schedule V to the said Code, in Form No. XXVIII,--

(a) under the heading "(I) CHARGES WITHONE HEAD" in sub-paragraph (b) of the first paragraph, the brackets and words " (when the charge is framed by a Presidency Magistrate, for Court of Session substitute High Court)" shall be omitted;

(b) in paragraph (2) under the same heading, for the portion beginning with the words "with the intention of inducing" and ending with the words "assaulted such Member", the following shall be substituted, namely:--

"with the intention of inducing or compelling the President of India, 1[or Governor] of State to refrain, from exercising a lawful power as such President ¹[or Governor], assaulted such President, 1[or Governor]";

(c) the brackets and words "(or High Court)" wherever they occur shall be omitted;

(d) for the expression "High Court/Magistrate" occurring inthe first paragraph under the heading "(III) CHARGE FOR THEFT AFTER

PREVIOUS CONVICTION", the expression "Magistrate" shall be substituted.

1. These words were substituted for the words Governor or Rajpramukh", by section 4 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1957 (Madras, Act XXV of 1957).

49. Transitory provision :-

(1) Nothing in this Act shall affect any case or proceeding the trial of which had been commenced in the High Court before the date of the commencement of this Act and every such case or proceeding shall be tried, heard and disposed of as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), all other cases pending on the file of the High Court on the date of the commencement of this Act shall stand transferred to the Court of Session for the Presidency-town of Madras.