

## **Code Of Criminal Procedure (Madras Amendment) Act, 1956**

**31 of 1956**

**[31 December 1956]**

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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 Seventh 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 19th September 1956, pages 160-161.

This Act was extended to the Kanyakumari District and the Shencottah Taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act. 1957 (Madras Act XXII of 1957).

### **1. Short title and extent :-**

(1) This Act may be called the Code of Criminal Procedure (Madras Amendment) Act, 1956.

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

## **2. Amendment of section 174, Central Act V of 1898 :-**

In section 174 of the Code of Criminal Procedure, 1898 (Central Act V of 1898) (hereinafter referred to as the said Code),--

(i) in sub-section (2), the words " or, as the case may be, to the Chief Presidency Magistrate in the Presidency-town of Madras " shall be added at the end;

(ii) in sub-section (5), for the words " and any Magistrate ", the words " any Presidency Magistrate and any Magistrate " shall be substituted.

## **3. Insertion of new section 407 in Central Act V of 1898 :-**

After section 406-A of the said Code, the following section shall be inserted, namely--

"407. Appeal from sentence of Magistrate of the second or third class and transfer of appeals to first class Magistrate.--

(1) Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

(2) The District Magistrate may direct that any appeal under this section, or any class of such appeals shall be heard by any Magistrate of the first class subordinate to him and empowered by the State Government to hear such appeals, and thereupon such appeal or class of appeals may be presented to such subordinate Magistrate, or, if already presented to the District Magistrate, may be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred."

## **4. Amendment of section 408, Central Act V of 1898 :-**

In section 408 of the said Code, for the words " any other Magistrate ", the words " other Magistrate of the first class " and for the words " any Magistrate ", the words " a Magistrate of the first class " shall be substituted.

## **5. Substitution of new section for section 409 in Central Act**

**V of 1898 :-**

For section 409 of the said Code, the following section shall be substituted, namely:--

"409. Appeals to Court of Session how heard.--

An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge:

Provided that an Additional Sessions Judge shall hear only such appeals as the State Government may, by general or special order, direct or as the Sessions Judge of the division may make over to him."