

Repealed by Act-42 of 1952

Act No. XV of 1949

[PASSED BY THE DOMINION LEGISLATURE]

(Received the assent of the Governor-General on the 1st April, 1949.)

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1949.

2. **Amendment of section 503, Act V of 1898.**—In section 503 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code),—

(i) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

“(2) When the witness resides in a tribal area, the commission may be issued to the officer exercising the powers of a District Magistrate in, or in relation to, such area.

(2A) When the witness resides in an Acceding State, or in any area in, or in relation to, which the Central Government has extra provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), the commission may be issued to such Court in the State or area as may be specified by the Central Government by notification in the official Gazette as a Court to which commissions may be issued under this sub-section, within the local limits of whose jurisdiction the witness resides.

(2B) When the witness resides in the United Kingdom or in any British possession outside India or in the Union of Burma, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Central Government by notification in the official Gazette.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Where the commission is issued to an officer exercising the powers of a District Magistrate in a tribal area under sub-section (2), he may, in lieu of proceeding in the manner laid down in sub-section (3), delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in the Provinces of India.”

3. **Amendment of section 505, Act V of 1898.**—In section 505 of the said Code,—

(i) in sub-section (1), for the words, brackets, letter and figures “and, except in a case to which clause (b) of sub-section (4) of section 503 applies, the Magistrate” the words “and the Magistrate” shall be substituted; and the sentence beginning with the words “In a case to which” and ending with the words “forwards the commission for execution.” shall be omitted;

(ii) in sub-section (2), for the words, brackets, letter and figures “except in a case to which clause (b) of sub-section (4) of section 503 applies, before such officer” the word “officer” shall be substituted.

Price anna 1 or 1½d.

Applied to Darjeeling District, see W. B. Govt. Notice No.

2483-I. 27.5.49.

4. Amendment of section 507, Act V of 1898.—In sub-section (1) of section 507 of the said Code, the words, brackets, letter and figures “or, in a case to which clause (b) of sub-section (4) of section 503 applies, has been again received by the officer by whom it was forwarded to the State Court” shall be omitted.

5. Amendment of section 508A, Act V of 1898.—In section 508A of the said Code, for the words “by a Magistrate or Court in Burma under the law in force in Burma” the words “by any Court or Judge having authority in this behalf in the United Kingdom or in any British possession outside India or in the Union of Burma under the law in force in that country” shall be substituted.

6. Repeal of Ordinance XXXII of 1948.—The Code of Criminal Procedure (Amendment) Ordinance, 1948 (XXXII of 1948), is hereby repealed.