

Rep. by Act 58 of 1958 (S. 2 + Sch. I) (as amended by Act 26 of 1958)

THE CODE OF CRIMINAL PROCEDURE
(AMENDMENT) ACT, 1958

No. 26 OF 1958

[3rd September, 1958]

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

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1958.

Omission of section 93A. 2. Section 93A of the Code of Criminal Procedure, 1898 of 1898. (hereinafter referred to as the principal Act), shall be omitted.

Insertion of new Chapter VIIA. 3. In Part III of the principal Act, after Chapter VII, the following Chapter shall be inserted, namely:—

“CHAPTER VIIA

SPECIAL RULES REGARDING PROCESSES IN CERTAIN CASES

Special rules regarding processes in certain cases. 105A. (1) Where a court in the territories to which this Code extends (hereinafter in this section referred to as the said territories) desires that—

- (a) a summons to an accused person, or
- (b) a warrant for the arrest of an accused person, or
- (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or
- (d) a search warrant,

issued by it shall be served or executed at any place within the local limits of the jurisdiction of a court in the State of Jammu and Kashmir or a court established or continued by the authority of the Central Government in any area outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that court to be served or executed; and where any summons referred to in clause (a) or clause (c) has been so served, the provisions of section 74 shall apply in relation to such summons as if the presiding officer of the court to whom it is sent were a magistrate in the said territories.

(2) Where a court in the said territories has received for service or execution—

- (a) a summons to an accused person, or
- (b) a warrant for the arrest of an accused person, or
- (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or
- (d) a search warrant,

issued by a court in the State of Jammu and Kashmir or a court established or continued by the authority of the Central Government in any area outside the said territories, it shall cause the same to be served or executed as if it were a summons or warrant received by it from another court in the said territories for service or execution within the local limits of its jurisdiction; and where—

(i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by sections 85 and 86;

(ii) a search warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by section 99."

4. (1) The Code of Criminal Procedure (Amendment) Ordinance, 1958, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 5th day of June, 1958.