

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
ACT, 2001**

No. 50 OF 2001

[24th September, 2001.]

An Act further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2001.

Amendment of section 125.

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), in section 125;—

2 of 1974.

(i) in sub-section (1),—

(a) the words “not exceeding five hundred rupees in the whole,” shall be omitted;

(b) after the proviso and before the *Explanation*, the following provisos shall be inserted, namely:—

“Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct:

Provided also that an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.”:

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Any such allowance for the maintenance or interim maintenance and expenses of proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or interim maintenance and expenses of proceeding, as the case may be.”:

(iii) in sub-sections (3) and (4), for the word “allowance”, wherever it occurs, the words “allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be,” shall be substituted.

3. In section 127 of the principal Act,—

Amendment of section 127.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) On proof of a change in the circumstances of any person, receiving, under section 125 a monthly allowance for the maintenance or interim maintenance, or ordered under the same section to pay a monthly allowance for the maintenance, or interim maintenance, to his wife, child, father or mother, as the case may be, the Magistrate may make such alteration, as he thinks fit, in the allowance for the maintenance or the interim maintenance, as the case may be.”:

(ii) in sub-section (3), in clause (c), for the word “maintenance”, the words “maintenance or interim maintenance, as the case may be,” shall be substituted;

(iii) in sub-section (4),—

(a) for the words “monthly allowance has been ordered”, the words “monthly allowance for the maintenance and interim maintenance or any of them has been ordered” shall be substituted;

(b) for the words “as monthly allowance in pursuance of”, the words “as monthly allowance for the maintenance and interim maintenance or any of them, as the case may be, in pursuance of” shall be substituted.

4. In section 128 of the principal Act,—

Amendment of section 128.

(i) for the word “maintenance”, the words “maintenance or interim maintenance and expenses of proceeding, as the case may be,” shall be substituted;

(ii) for the words “whom the allowance”, the words “whom the allowance for the maintenance or the allowance for the interim maintenance and expenses of proceeding, as the case may be,” shall be substituted;

(iii) for the words “allowance due”, the words “allowance, or as the case may be, expenses, due” shall be substituted.