

Manipur



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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS
DEPARTMENT

NOTIFICATION

Imphal, the 23rd March, 1985

No. 2/4/84-Leg/L.—The following Act of the Legislature, Manipur which received assent of the President of India on 10-3-85 is hereby published in the Manipur Gazette.

I, BIJOY SINGH,
Secretary (Law) to the Government of Manipur.

THE CODE OF CRIMINAL PROCEDURE (MANIPUR
SECOND AMENDMENT) ACT, 1984
(Manipur Act, No. 3 of 1985)

AN
ACT

further to amend the Code of Criminal Procedure, 1973.

Be it enacted by the Legislature of Manipur in the Thirty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Manipur Second Amendment) Act, 1984.

Short title,
extent and
commence-
ment.

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

(3) It shall come into force at once and shall remain in force for a period of three years which may be extended by the State Government from time to time for any period not exceeding one year at any one time, but its expiry under the operation of this sub-section shall not affect:—

- (a) the previous operation of, or anything duly done or suffered under this Act, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under this Act, or
- (c) any penalty, forfeiture or punishment incurred under this Act, or
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "Specified Executive Magistrate" means—

- (i) District Magistrate,
- (ii) Additional District Magistrate,
- (iii) Any other Executive Magistrate designated by the State Government, by general or special order, as Specified Executive Magistrate after considering his qualification or experience in relation to legal affairs, for such areas as may be specified therein ;

(b) words and expressions used herein and not defined but defined in the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in that Code.

Act 2 of 1974
to be
amended
temporarily.

3. During the period of operation of this Act, the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code), shall have effect subject to the provisions of section 4 and the amendments and modifications thereto referred to in that section.

Conferment
of temporary
powers on
Executive
Magistrates.

4. (1) Notwithstanding anything contained in the Code, a Specified Executive Magistrate shall, to the exclusion of any other Magistrate, have power—

- (a) to authorise detention of any person accused of any of the following offences being an offence forming part or arising out of or connected with, any violence by member of an association declared as unlawful association under the Unlawful Activities (Prevention) Act, 1967, namely—
 - (i) offences under the Indian Penal Code or any other law for the time being in force punishable with imprisonment for a term not exceeding two years or with fine or with both;
 - (ii) offences punishable under Chapter VIII (Offences against the public tranquillity) and Chapter X (Contempts of the lawful authority or public servants) of the Indian Penal Code ;

37 of 1967.

(b) to take cognizance of, and try and dispose of cases relating to any of, the said offences.

(2) For the purposes of this section, the Code shall, notwithstanding anything contained therein, have effect subject to the amendments and modifications specified in the Schedule to this Act and such other modifications as may be necessary.

(3) Nothing in this section shall apply to cases relating to offences taken cognizance of under the Code before the commencement of this Act.

THE SCHEDULE [See Section 4(2)]

Amendments and modifications to the Code of Criminal Procedure, 1973.

1. In section 29 of the Code, after sub-section (2), the following sub-section shall be added, namely,—

“(2A) The Court of a Specified Executive Magistrate may pass a sentence of imprisonment for a term not exceeding two years, or of fine not exceeding two thousand rupees, or of both.”.

2. In section 167 of the Code, after sub-section (6), the following sub-section shall be added, namely,—

“(7) A Specified Executive Magistrate shall, to the exclusion of any other Magistrate, have power to authorise detention under this section of any person accused of any offences specified in clause (a) of sub-section (1) of section 4 of the Code of Criminal Procedure (Manipur Second Amendment) Act, 1984 and as respects those offences,—

- (i) the reference in the foregoing sub-sections to a Magistrate or Judicial Magistrate shall be construed as reference to a Specified Executive Magistrate;
- (ii) paragraph (c) of the proviso to sub-section (2) shall be deemed to have been omitted;
- (iii) sub-section (2A) shall be deemed to have been omitted;
- (iv) the words “other than the Chief Judicial Magistrate” in sub-section 4, shall be deemed to have been omitted and for the words “to the Chief Judicial Magistrate” in that sub-section, the words “to the Sessions Judge” shall be deemed to have been substituted.”.

3. In section 190 of the Code, after sub-section (2), the following sub-section shall be added, namely,—

“(3) Any Specified Executive Magistrate may, to the exclusion of any other Magistrate, take cognizance, under sub-section (1), of any offence specified in clause (a) of sub-section (1) of section 4 of the Code of Criminal Procedure (Manipur Second Amendment) Act, 1984, and the reference in sub-section (1) of this section to a Magistrate of the first class shall, in relation to such offence, be construed as reference to a Specified Executive Magistrate.”.

4. In section 191 of the Code, the reference to Chief Judicial Magistrate shall, in relation to an offence taken cognizance of by a Specified Executive Magistrate, be construed as reference to District Magistrate.

5. In section 192 of the Code,—

(i) in sub-section (1), after the word “Any”, the words “District Magistrate or” shall be inserted;

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

“(2) Any Sub-Divisional Magistrate who is a Specified Executive Magistrate or any Magistrate of the first class empowered in this behalf by the District Magistrate or Chief Judicial Magistrate, as the case may be, may, after taking cognizance of an offence, make over the case for inquiry or trial to such other competent Magistrate as the District Magistrate or Chief Judicial Magistrate may, by general or special order, specify, and thereupon such Magistrate may hold the inquiry or trial.”.

6. In section 196 of the Code, after sub-section (3), the following sub-section shall be added, namely,—

“(4) No Specified Executive Magistrate shall take cognizance of any offence except with the previous sanction of the State Government or such other authority or officer as it may, by order published in the official Gazette, specify.”.

7. In relation to trial of the offences specified in clause (a) of sub-section (1) of section 4 of this Act, any reference to a Magistrate in Chapters XIX and XX of the Code shall be construed as reference to a Specified Executive Magistrate and the expression “Any Magistrate” in the sixth column of the First Schedule to the Code shall include Specified Executive Magistrate.

8. In section 374 of the Code, in clause (a) of sub-section (3), for the words “Magistrate of the first class or of the second class” the words “Magistrate of the first class, Specified Executive Magistrate or Magistrate of the second class” shall be substituted.