

Tripura Act No. 1 of 1981

**The Tripura Tribunals of Criminal Jurisdiction
Act, 1980.**

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The following Act of the Tripura Legislative Assembly received assent of the President on the 31st January, 1981, and is hereby published for general information.

TRIPURA ACT NO. 1 OF 1981.

THE TRIPURA TRIBUNALS OF CRIMINAL
JURISDICTION ACT, 1980.An
Act*to provide for the speedy trial of certain offences.*

BE it enacted by the Legislative Assembly of Tripura in the Thirty-first Year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Tripura Tribunals of Criminal Jurisdiction Act, 1980.

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

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974) ;

(b) "disturbed area" means an area which is declared by notification under section 3 to be a disturbed area ;

(c) "the High Court" means the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura) ;

(d) "Scheduled offences" means any offence specified in the Schedule ;

(e) "Tribunal" means a Tribunal of Criminal Jurisdiction constituted under sub-section (1) of section 4.

Notification of
disturbed area.

3. Where the State Government is satisfied that in the whole or in any part of the State of Tripura—

(i) there was, or

(ii) there is

any extensive disturbance of public peace and tranquility, it may by notification in the Official Gazette declare the whole or any part of the State of Tripura to be a disturbed area with effect from such date as may be specified in the notification and the notification shall have effect during such period as may be specified therein or until it is revoked.

Constitution of
Tribunal on
Criminal Juris-
diction.

4. (1) The State Government shall from time to time, as it deems necessary, constitute by notification in the Official Gazette one or more Tribunals of Criminal Jurisdiction and may by like notification, abolish any such Tribunals if it deems such Tribunals to be no-longer necessary.

(2) The State Government shall appoint as a Judge to preside over Tribunal, any person who—

(a) is qualified under clause (2) of article 217 of the Constitution of India for appointment as a Judge of a High Court ; or

(b) is or has been a Sessions Judge or an Additional Sessions Judge.

(3) Every Tribunal shall have Jurisdiction throughout the whole of the State of Tripura and shall sit at such place or places as the State Government may, by notification in the Official Gazette, specify in this behalf,

Offences to be
tried by the
Tribunals.

5. (1) Scheduled Offences if committed in a disturbed area shall be triable by Tribunals only :

Provided that when trying any Scheduled Offence, a Tribunal may also try any offence other than the Scheduled Offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with the Scheduled Offence.

(2) The distribution amongst the Tribunals of cases involving Scheduled Offences to be tried by them shall be made by the State Government.

Procedure in
trials before
Tribunals.

6. (1) A Tribunal may take cognizance of Scheduled Offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrate instituted on a Police report :

Provided that Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of Justice :

Provided further that for the purpose of section 275 of the Code, English shall be deemed to be the language of a Tribunal.

(2) A Tribunal trying a case under this Act may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to a Scheduled offence, tender pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to such offence and to every other person concerned, whether as principal or abettor, in the commission thereof, and any pardon so tendered shall, for the purpose of section 308 of the Code, be deemed to have been tendered under section 307 of the Code.

Provision where
Services of
Judge presiding
over Tribunal
ceases to be
available.

7. (1) If for any reason the services of the person appointed as a Judge to preside over a Tribunal ceases to be available, the State Government shall as often as may be necessary appoint another person having the qualifications referred to in clause (a) or clause (b) of sub-section (2) of section 4, as a Judge to preside over such Tribunal.

(2) A person appointed under sub-section (1) as a Judge to preside over a Tribunal may act on the evidence recorded by his predecessor or predecessors or partly recorded by himself :

Provided that if the person appointed under sub-section (1) as a Judge to preside over a Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, he may resummon any such witness and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

Power of
Tribunals to
pass sentences.

8. A Tribunal may pass upon a person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted and where the Tribunal passes a sentence of death the provisions of Chapter XXVIII of the Code shall apply.

Appeal and
revision.

9. (1) Any person convicted on a trial held by a Tribunal may appeal to the High Court.

(2) The State Government may direct a public prosecutor to present an appeal to the High Court from an order of acquittal passed by a Tribunal.

(3) An appeal under this section shall lie either on a matter of fact or on a matter of law or on both.

(4) The period of limitation for an appeal under sub-section (1) shall be thirty days from the date of the sentence and for an appeal under sub-section (2) shall be thirty days from the date of the order of acquittal.

(5) The High Court may call for the record of the proceedings of any case tried by a Tribunal and may in respect of such case exercise any of the powers conferred on a Court of appeal under section-385, section-386, section-389, section 390 and section 391 of the Code.

Exclusion of
interference of
other courts
except High
Court.

10. No Court inferior to the High Court shall have jurisdiction to transfer any case from a Tribunal or save as otherwise provided in this Act, have jurisdiction of any kind in respect of any proceedings before a Tribunal :

Provided that no case pending before a Tribunal shall be transferred to any court except another Tribunal.

Extent to
which the Code
and ordinary
law shall apply.

11. The provisions of the Code or any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with arising from, or consequent upon, a trial by a Tribunal constituted under this Act as if the Tribunal were a Court of Session exercising original criminal jurisdiction.

Indemnity.

12. No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

Act to override
other laws.

13. The provisions of this Act shall have effect notwithstanding anything in this Act which may be inconsistent with the Indian Penal Code, 1860, the Code, or any other law.

Cognizance of
offence.

14. Where, after taking cognizance of any offence a Tribunal is of opinion that the offence is not a Scheduled offence, it shall transfer the case for trial to any court having jurisdiction under the Code and the court to which the case is transferred may proceed with the case as if it had taken cognizance of the offence.

Repeal and
savings.

15.(1) The Tripura Tribunals of Criminal Jurisdiction Ordinance, 1980 is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken, all notifications published, powers conferred, forms prescribed, orders, rules and appointments made under the said Ordinance shall be deemed respectively to have been done, taken, published, conferred, prescribed or made under the corresponding provisions of this Act.

THE SCHEDULE

1. Offences punishable under section 121, section 121A, section 122, section 123, section 124, section 125, section 126, section 127, section 128, section 129 or section 130 of the Indian Penal Code.

2. An offence punishable under section 302, section 304, section 307, section 326, section 364, section 365, section 366, section 376, section 395, section 396, section 397, section 435 or section 436 of the Indian Penal Code.

3. An offence punishable under section 302, section 304, section 326, section 307, section 395, section 396, section 397, section 435 or section 436 of the Indian Penal Code, if committed in course of a raid on or a riot in any human habitation or village or dwelling houses or a factory or a mill or a workshop or a Bank or in relation to transportation of property to or from a factory, mill workshop or Bank.

4. Offences under the following provisions of the Arms Act, 1959 :—

Sections 25 to 30.

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5. Offences under the following provisions of the Indian Explosive Act, 1884 :—

Sections 6(3) to 8(2).

6. All offences under the Tripura Security Act, 1980.

7. Any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in items 1 to 6.

P. K. SARKAR
Deputy Secretary,
Government of Tripura.
