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West Bengal Act XX of 1953¹

THE CITY SESSIONS COURT ACT, 1953.

AMENDED

West Ben. Act XXVI of 1956.
West Ben. Act XXI of 1964.
West Ben. Act XXXIII of 1969
West Ben. Act XXXI of 1975.
West Ben. Act XXXVIII of 1980.

[1st September, 1953.]

An Act to establish a Court of Session for the Presidency-town of Calcutta.

WHEREAS it is expedient to establish a Court of Session for the Presidency-town of Calcutta;

It is hereby enacted as follows:—

1. (1) This Act may be called the City Sessions Court Act, 1953.
- (2) It shall come into force² on the same date on which the City Civil Court Act, 1953, comes into force.

Short title
and
commence-
ment.

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

Definitions.

- (1) "Chief Judge" means the Chief Judge of the City Sessions Court, appointed under sub-section (1) of section 4;
- (2) "City Civil Court" means the Court established under section 3 of the City Civil Court Act, 1953;
- (3) "City Sessions Court" means the Court established under section 3;
- (4) "High Court" means the High Court at Calcutta;
- 3* * * * *
- 3* * * * *
- (7) "the Code" means the Code of Criminal Procedure, 1898.

3. (1) The State Government may, by notification in the *Official Gazette*, establish⁴ for the Presidency-town of Calcutta a Court of Session to be called the City Sessions Court.

Establishment
of City
Sessions
Court.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 31st March, 1953, Part IVA, page 468; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly held on the 5th and 6th May, 1953; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 12th May, 1953.

²This Act was brought into force with effect from the same date on which the City Civil Court Act, 1953 came into force, vide sec. 1(2) of this Act. The latter Act came into force on the 23rd February, 1957, vide foot-note 2 on page 403, *post*.

³Clauses (5) and (6) were omitted by s. 2 of the City Sessions Court (Amendment) Act, 1969 (West Ben. Act XXXIII of 1969).

⁴The City Sessions Court was established with effect from the 23rd February, 1957, vide notification No. 1059-J., dated the 14th February, 1957, of the Judicial Department, published in the *Calcutta Gazette, Extraordinary*, of the 20th February, 1957, Part I, page 586.

West Ben.
Act XXI
of 1953.

Act V of
1898.

(Sections 4-9.)

(2) The City Sessions Court shall be deemed to be a Court subordinate to and subject to the superintendence of the High Court within the meaning of the Letters Patent for the High Court and of the Code.

Appointment
of Judges.

4. (1) There shall be appointed a Chief Judge of the City Sessions Court and as many other Judges of that Court as the State Government thinks fit.

(2) The Chief Judge of the City Civil Court and the other Judges of that Court may be appointed in addition to their duties in that Court as the Chief Judge and the other Judges of the City Sessions Court.

City Sessions
Court to be a
Court of
Session and
the Code to
apply to such
Court.

5. For the purposes of the Code, the Presidency-town of Calcutta shall be deemed to be a sessions division and a district, the City Sessions Court shall be deemed to be a Court of Session established for such sessions division, and the Chief Judge and the other Judges of the City Sessions Court shall be deemed respectively to be the Sessions Judge and the Additional Sessions Judges appointed for such Court of Session; and save as otherwise provided in this Act all the provisions of the Code shall apply accordingly.

City Sessions
Court not to
have
jurisdiction
in certain
matters.

6. ¹* * *

²* * *

(3) ³* * * all matters in respect of which the City Sessions Court has no jurisdiction, shall be tried, dealt with or disposed of as if this Act had not been passed.

7. [(Committal).—Omitted by the City Sessions Court (Amendment) Act, 1969 (West Ben. Act XXXIII of 1969).]

8. [(High Court not to try certain cases).—Omitted by the City Sessions Court (Amendment) Act, 1969 (West Ben. Act XXXIII of 1969).]

9. [(Trials before the City Sessions Court to be by jury).—Omitted by the City Sessions Court (Amendment) Act, 1975 (West Ben. Act XXI of 1975).]

¹Sub-section (1) was omitted by s. 2 of the City Sessions Court (Amendment) Act, 1975 (West Ben. Act XXXI of 1975).

²Sub-section (2) was omitted by s. 3(1) of the City Sessions Court (Amendment) Act, 1969 (West Ben. Act XXXIII of 1969).

³The words and figures "Subject to the provisions of sections 7 and 8," were omitted by s. 3(2). *ibid.*

XX of 1953.]

(Sections 10-14.)

10. (1) The State Government shall appoint a person to be the Registrar of the City Sessions Court.

Appointment of Registrar and of clerks and other ministerial officers and their duties.

(2) The State Government shall¹ fix the number of clerks and other ministerial officers for the City Sessions Court. The appointment of such clerks and other ministerial officers shall be made by the State Government or, if in any class or classes of cases the State Government so directs, by the Chief Judge.

(3) The Registrar and any clerk or other ministerial officer may be common to the City Civil Court and the City Sessions Court.

(4) The Chief Judge shall have administrative control over the Registrar of the City Sessions Court, and the clerks and ministerial officers referred to in sub-section (2), and may frame regulations prescribing the duties of such Registrar, clerks and ministerial officers.

11. (1) The Chief Judge shall, before the commencement of each year, draw up a list of holidays and vacations to be observed in the City Sessions Court, and shall submit the same for the approval of the High Court.

Holidays and vacations.

(2) Such list, when it has received such approval, shall be published in the *Official Gazette* and the said holidays and vacations shall be observed accordingly.

12. (1) All persons entered as attorneys-at-law on the roll of the High Court shall be entitled to act and plead in the City Sessions Court.

Attorneys entitled to act and plead in the City Sessions Court.

(2) The provisions of sub-section (1) shall be in addition to and not in derogation of any law enabling a person to act and plead, or to plead, as the case may be, in the City Sessions Court.

13. The City Sessions Court shall use a seal of such form and dimension as may, for the time being, be² prescribed by the State Government.

Seal.

14. (1) The High Court may, from time to time, with the approval of the Governor, make rules³ for the purpose of giving effect to the provisions of this Act.

Rules.

¹For notification directing that the appointment of the clerks and other ministerial officers attached to the City Civil Court or the City Sessions Court shall be made by the Chief Judge, see notification No. 7108 J., dated 21.8.59, published in the *Calcutta Gazette* of 1959, Part I, page 3184.

²For notification prescribing form and dimension of the seal to be used by the City Sessions Court, see notification No. 1297 J., dated 21.2.57, published in the *Calcutta Gazette, Extraordinary* of 1957, Part I, page 804.

³For "the Rules of the Calcutta City Sessions Court, 1956" made in exercise of the powers conferred by section 14, see Notification No. 1710 R.O., dated the 15th February, 1957, of the High Court, Appellate Side, published in the *Calcutta Gazette, Extraordinary*, of the 20th February, 1957, Part I, pages 587-593.

[West Ben. Act XX of 1953.]

(Sections 15-17 and The Schedules.)

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

- (a) the practice and procedure of the City Sessions Court, so far as such rules are not inconsistent with the provisions of this Act as read with the Code;
- (b) registers, books, accounts and other records to be maintained by the City Sessions Court;
- (c) returns, statements and other information to be submitted by the City Sessions Court from time to time to the High Court, and also to the State Government if required by the State Government.

Saving of
cases and
proceedings
pending in
High Court.

15. Nothing in this Act shall affect any case or proceeding pending in the High Court on the date on which this Act comes into force, and every such case or proceeding shall be continued as if this Act had not been passed.

Act to
override
other law
including
Letters
Patent.

16. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, including in particular the Letters Patent of the High Court:

Provided that nothing in this Act shall be deemed to affect any provisions of the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 or the Tribunals of Criminal Jurisdiction Act, 1952:

West Ben.
Act XXI
of 1949.
West Ben.
Act XIV
of 1952.

Provided further that nothing in this Act shall be deemed to confer any jurisdiction on the City Sessions Court to try any offence under the Indian Companies Act, 1913¹ or deemed to affect the jurisdiction of the High Court under the Banking Companies Act, 1949.

VII of 1913.
X of 1949.

17. [(Amendments to the Code.)—Omitted by the City Sessions Court (Amendment) Act, 1980 (West Ben. Act XXXVIII of 1980).]

[THE FIRST SCHEDULE.—(Scheduled Offences.)—Omitted by s. 6 of the City Sessions Court (Amendment) Act, 1969 (West Ben. Act XXXIII of 1969).]

[THE SECOND SCHEDULE.—(Amendments to the Code of Criminal Procedure, 1898.)—Omitted by s. 3 of the City Sessions Court (Amendment) Act, 1980 (West Ben. Act XXXVIII of 1980).]

¹The Indian Companies Act, 1913 (VII of 1913) was repealed by the Companies Act, 1956 (1 of 1956).