

THE CRIMINAL LAW AMENDMENT ACT, 1952

No. XLVI OF 1952



See India Code
Vol. III

[28th July, 1952]

An Act further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, and to provide for a more speedy trial of certain offences.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Criminal Law Amendment Act, 1952.

2. Amendment of section 165, Act XLV of 1860.—In section 165 of the Indian Penal Code (hereinafter referred to as the principal Act) for the words “simple imprisonment for a term which may extend to two years” the words “imprisonment of either description for a term which may extend to three years” shall be substituted.

3. Insertion of new section 165A in Act XLV of 1860.—After section 165 of the principal Act, the following section shall be inserted, namely:—

“165A. *Punishment for abetment of offences defined in section 161 or section 165.*—Whoever abets any offence punishable under section 161 or section 165, whether or not that offence is committed in consequence of the abetment, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

4. Amendment of section 164, Act V of 1898.—In sub-section (1) of section 164 of the Code of Criminal Procedure, 1898, after the words “under this Chapter”, the words “or under any other law for the time being in force” shall be inserted.

5. Amendment of section 337, Act V of 1898.—(1) In section 337 of the Code of Criminal Procedure, 1898,—

(a) in sub-section (1), after the words “the Indian Penal Code, namely, sections” the figures and letter “161, 165, 165A” shall be inserted;

(b) after sub-section (2A), the following sub-section shall be inserted, namely:—

“(2B) In every case where the offence is punishable under section 161 or section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or sub-section (2) of section 5 of the

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Prevention of Corruption Act, 1947 (II of 1947), and where a person has accepted a tender of pardon and has been examined under sub-section (2), then, notwithstanding anything contained in sub-section (2A), the magistrate shall, without making any further inquiry, send the case for trial to the court of the special judge appointed under the Criminal Law Amendment Act, 1952."

(2) The amendments made by sub-section (1) shall remain in force for a period of two years from the commencement of the Criminal Law Amendment Act, 1952.

6. Power to appoint special judges.—(1) The State Government may, by notification in the Official Gazette, appoint as many special judges as may be necessary for such area or areas as may be specified in the notification to try the following offences, namely:—

(a) an offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or sub-section (2) of section 5 of the Prevention of Corruption Act, 1947 (II of 1947);

(b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a).

(2) A person shall not be qualified for appointment as a special judge under this Act unless he is, or has been, a sessions judge or an additional sessions judge or an assistant sessions judge under the Code of Criminal Procedure, 1898 (Act V of 1898).

7. Cases triable by special judges.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or in any other law the offences specified in sub-section (1) of section 6 shall be triable by special judges only.

(2) Every offence specified in sub-section (1) of section 6 shall be tried by the special judge for the area within which it was committed, or where there are more special judges than one for such area, by such one of them as may be specified in this behalf by the State Government.

(3) When trying any case, a special judge may also try any offence other than an offence specified in section 6 with which the accused may, under the Code of Criminal Procedure, 1898, be charged at the same trial.

8. Procedure and powers of special judges.—(1) A special judge may take cognizance of offences without the accused being committed to him for trial, and in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act V of 1898), for the trial of warrant cases by magistrates.

(2) A special judge may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof; and any pardon so tendered shall, for the purposes of sections 339 and 339A of the Code of Criminal Procedure, 1898, be deemed to have been tendered under section 338 of that Code.

(3) Save as provided in sub-section (1) or sub-section (2), the provisions of the Code of Criminal Procedure, 1898 shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special judge; and for the purposes of the said provisions, the court of the special judge shall be deemed to be a court of session trying cases without a jury or without the aid of assessors and the person conducting a prosecution before a special judge shall be deemed to be a public prosecutor.

(4) A special judge may pass upon any person convicted by him any sentence authorised by law for the punishment of the offence of which such person is convicted.

9. **Appeal and revision.**—The High Court may exercise, so far as they may be applicable, all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898 (Act V of 1898) on a High Court as if the court of the special judge were a court of session trying cases without a jury within the local limits of the jurisdiction of the High Court.

10. **Transfer of certain pending cases.**—All cases triable by a special judge under section 7 which, immediately before the commencement of this Act, were pending before any magistrate shall, on such commencement, be forwarded for trial to the special judge having jurisdiction over such cases.
