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Subject Code of Criminal Procedure

Topic Commitment of case to Court of Session when offence is triable exclusively by it.

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Part - 3

Paper - 3

Section 209 provides that the Magistrate taking cognizance of an offence exclusively triable by a Court of Session shall have to formally commit the case, instituted on police report or otherwise to the Court of Session after performing functions such as; granting bail, preparing and sending the record and notifying the public prosecutor etc.

Under this section the magistrate is merely to ascertain whether the case, as disclosed, appears to him to show an offence triable solely by the Court of Sessions. If it does not so appear he is not obliged to commit mechanically the case to the Court of Sessions. (Dattatraya case published in Cr. L.J. 1981) is to be ~~seen~~ relevant.

Section 209 says: When in a case instituted on a police report or otherwise, the accused

appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall -

- a. Commit, after complying with the provisions of section 207 or section 208, as the case may be, the case to the Court of Session, and subject to the provisions of this code relating to bail, remand the accused to custody until such commitment has been made;
- b. subject to the provisions of this code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;
- c. send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;
- d. notify the public prosecutor of the commitment of the case to the Court of Session.

Related question: what is provision under cr. p.c. to commit the case exclusively triable by the Court of Session?