

**RMM LAW COLLEGE SAHARSA**

**CODE OF CRIMINAL PROCEDURE**

**IIIrd Part**

**Paper -3**

**TOPIC- PROVISIONS AS TO  
ACCUSED PERSONS OF**

**Topic- APPEALS**

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**Article 379. Appeal against conviction by High Court in certain cases.**

**379. Appeal against conviction by High Court in certain cases.**

Where the High Court has, on appeal reversed an order of acquittal of an accused person and convicted him and sentenced him to death or to imprisonment for life or to imprisonment for a term of ten years or more, he may appeal to the Supreme Court.

**380. Special right of appeal in certain cases.**

Notwithstanding anything contained in this Chapter, when more persons than one are convicted in one trial, and an appealable judgment of order has been passed in respect of any of such person, all or any of the persons convicted at such trial shall have a right of appeal.

**381. Appeal to Court of Session how heard.**

(1) Subject to the provisions of sub-section (2), an appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge:

Provided that an appeal against a conviction on a trial held by a Magistrate of the second class may be heard and disposed of by an Assistant Sessions Judge or a Chief Judicial Magistrate.

(2) An Additional Sessions Judge, Assistant Sessions Judge or a Chief Judicial Magistrate shall hear only such appeals as the Sessions Judge of the division may, by general or special order, make over to him or as the High Court may, by special order, direct him to hear

### **382. Petition of appeal.**

Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against.

#### STATE AMENDMENT

Andaman and Nicobar Islands and Lakshadweep:

Section 382 shall be re-numbered as sub-section (1) of that section, and sub-section (1) as so re-numbered the following provisos and Explanation shall be added, namely:—

"Provided that where it is not practicable to file the petition of appeal to the proper Appellate Court, the petition of appeal may be presented to the Administrator or to an Executive Magistrate, not below the rank of Sub-Divisional Magistrate, he shall record thereon the date of presentation and, if he is satisfied that, by reason of the weather, transport or other difficulties, it is not possible for the appellant to obtain, from the proper Appellate Court, orders for the suspension of sentence or for bail, he may, in respect of such appeal, or an appeal forwarded to him under section 383, exercise all or any of the powers

of the proper Appellate Court and subsection (1) of section 389 with regard to suspension of sentence or release of convicted person on bail:

Provided further that the order so made by Administrator or the Executive Magistrate shall have effect until it is reversed or modified by the proper Appellate Court.

Explanation.—For the purposes of the provisos to this section and section 383,

Administrator' in relation to a Union territory means the Administrator appointed by the President under article 239 of the Constitution, for that Union territory."

In section 382 after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

(2) For purposes of computation of the period of limitation, and for all other purposes, an appeal presented to an Administrator or an Executive Magistrate under sub-section (1) or as the case may be, under section 383, shall be deemed to be an appeal presented to the proper Appellate Court."

Vide Regulation 1 of 1974, sec. 4 (w.e.f. 30-3-1974).

### **383. Procedure when appellant in jail.**

If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

### **STATE AMENDMENT**

Andaman and Nicobar Islands and Lakshadweep:

In section 383, the following words shall be inserted at the end, namely:—

"or if, by reason of the weather, transport or other difficulties, it is not possible to forward them to the proper Appellate Court they shall be forwarded to the Administrator or an Executive Magistrate, not below the rank of a Sub-Divisional Magistrate, who shall, on receipt of such petition of appeal and copies, record thereon the date of receipt thereof and thereafter forward the same to the proper Appellate Court. Vide Regulation 1 of 1974, sec. 4 (w.e.f. 30-3-1974)