

RMM LAW COLLEGE SAHARSA

CODE OF CRIMINAL PROCEDURE

IIIrd Part

Paper -3

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

Topic- Miscellaneous

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483. Duty of High Court to exercise continuous superintendence over Courts of Judicial Magistrates.

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Every High Court shall so exercise its superintendence over the Courts of Judicial Magistrates subordinate to it as to ensure that there is an expeditious and proper disposal of cases by such Magistrates. Comments When alternative remedy is available, inherent powers cannot be exercised; Alimuddin Khan v. Nasiran Bibi, 1998 Cr LJ 1811 (Ori).

484. Repeal and savings.

(1) The Code of Criminal Procedure, 1898 (5 of 1898), is hereby repealed.

(2) Notwithstanding such repeal,—

(a) if, immediately before the date on which this Code comes into force, there is any appeal, application, trial inquiry or investigation pending, then, such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), as in force immediately before such commencement (hereinafter referred to as the Old Code), as if this Code had not come into force:

Provided that every inquiry under Chapter XVIII of the Old Code, which is pending at the commencement of this Code, shall be dealt with and disposed of in accordance with the provisions of this Code;

(b) all notifications published, proclamations issued, powers conferred, forms prescribed, local jurisdictions defined, sentences passed and orders, rules and appointments, not being appointments as Special Magistrates, made under the Old Code and which are in force immediately before the commencement of this Code, shall be deemed, respectively to have been published, issued, conferred, prescribed defined, passed or made under the corresponding provisions of this Code.

(c) any sanction accorded or consent given under the Old Code in pursuance of which no proceeding was commenced under that Code, shall be deemed to have been accorded or given under the corresponding provisions of this Code and proceedings may be commenced under this Code in pursuance of such sanction or consent;

(d) the provisions of the Old Code shall continue to apply in relation to every prosecution against a Ruler within the meaning of Article 363 of the Constitution.

(3) Where the period prescribed for an application or other proceeding under the Old Code had expired on or before the commencement of this Code, nothing in this Code shall be construed as enabling any such application to be made or proceeding to be commenced under this Code by reason only of the fact that a longer period therefor is prescribed by this Code or provisions are made in this Code for the extension of time.

STATE AMENDMENT

Uttar Pradesh:

In sub-section (2) of section 484, after clause (d), the following clause shall be inserted and be deemed always to have been inserted, namely:—

"(e) the provisions of the United Provinces Borstal Act, 1938 (U.P. Act VIII of 1938) the United Provinces First Offenders Probation Act, 1938 (U.P. Act VI of 1938), and the Uttar Pradesh Children Act, 1951 (U.P. Act 1 of 1951) shall continue in force in the State of Uttar Pradesh until altered or repealed or amended by the competent Legislature or other competent authority, and accordingly, the provisions of section 360 of this case shall not apply to that State, and the provisions of section 361 shall apply with the substitution of references to the Central Act named therein by references to the corresponding Acts in force in the State." [Vide U.P. Act 16 of 1976, sec. 10 (w.e.f. 1-5-1976).

In sub-section (2) of section 484, in clause (a) after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that the provisions of section 326 of this Code as amended by the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1976 shall apply also to every trial pending in a Court of Session at the commencement of this Code and also pending at the commencement of the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1983". [Vide U.P. Act 1 of 1984, sec. 11 (w.e.f. 1-5-1984).

(c) any sanction accorded or consent given under the Old Code in pursuance of which no proceeding was commenced under that Code, shall be deemed to have been accorded or given under the corresponding provisions of this Code and proceedings may be commenced under this Code in pursuance of such sanction or consent;

(d) the provisions of the Old Code shall continue to apply in relation to every prosecution against a Ruler within the meaning of Article 363 of the Constitution.

(3) Where the period prescribed for an application or other proceeding under the Old Code had expired on or before the commencement of this Code, nothing in this Code shall be construed as enabling any such application to be made or proceeding to be commenced under this Code by reason only of the fact that a longer period therefor is prescribed by this Code or provisions are made in this Code for the extension of time.