

**RMM LAW COLLEGE SAHARSA**

**CODE OF CRIMINAL PROCEDURE**

**IIIrd Part**

**Paper -3**

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

**Topic- REVISION**

**Lecture Notes by- BINOD KUMAR JHA**

**Date- 13/10/2020**

**~~and the name of the accused~~**

**CLASSES OF CRIMINAL COURTS UNDER CRIMINAL PROCEDURE**

**CODE, 1973:**

As per the policy of separation between executive and judiciary, courts have been classified mainly into two parts- Courts of Executive Magistrates and courts of Judicial Magistrate. These courts have also different categories.

Section 6 of the Criminal Procedure Code, 1973 provides followings classes of courts-

- [Session courts](#)
- Courts of Judicial Magistrate first class
- Courts of Judicial Magistrate Second class
- Courts of Executive Magistrate.

Similarly, courts of Metropolitan Magistrate have been established in Metropolitan areas.

In all, there are following categories of Criminal courts-

- Session courts
- Courts of Judicial Magistrate-
- Courts of First-class Judicial magistrate, and

- Courts of Second class judicial magistrate.
- Courts of Chief Judicial Magistrate
- Special Judicial Magistrate
- Metropolitan magistrate courts
- Special Metropolitan courts
- Executive Magistrate courts-
- District magistrate courts, and
- Sub- Division magistrate courts
- Special Executive magistrate courts.

In Rajasthan, all courts are functioning except Metropolitan Magistrate.

- Session Courts

According to Section 9 of the code, a court of sessions shall be established for every session –division. Court of sessions shall have presiding judge named as ‘Session Judge’ who shall be appointed by the High Court. The high court shall appoint Additional session judge and Assistant session judge.

Abdul Manam v/s State of West Bengal (A.I.R 1996 S.C.905)

It has considered that session court shall include Additional session court. Assistant session court shall be subordinate to the session court and the session court shall frame rules regarding the distribution of works between Assistant session courts.

Additional or Assistant sessions court shall try the urgent application in the absence of session court and in the absence of Additional or assistant session court such application shall be tried by a chief judicial magistrate. (Section 10).

### **Powers of Punishment-**

According to section 28 of the code – Session judge or Additional session judge can pronounce any sentence provided by law, but the

death sentence given by them should necessarily be confirmed by the high court.

Assistant session judge can pronounce any sentence authorized by law other than a death sentence, imprisonment for life or imprisonment exceeding ten years (section 11).

These courts can commute the sentence, but considering the nature of the matter, the gravity of crime and behavior of accused the mere fact that trial was conducted for a long time cannot be the ground to commute a sentence.