

RMM LAW COLLEGE SAHARSA

CODE OF CRIMINAL PROCEDURE

IIIrd Part

Paper -3

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

Topic- REVISION

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Article 156. Mandates of the accused

Judicial Magistrate courts

According to Section 11, every district excluding the Metropolitan area shall have first class and second class judicial magistrate as per the necessity.

The state government in consultation with the High court can establish one or more special courts to try special matters or class of special matters.

The presiding officer in such courts shall be appointed by the High court and high court can transfer the power of the first class or second class magistrate to any member of state judicial services acting as a judge in a civil court.

Delhi Judicial service union, Tis Hazari court, Delhi v/s State of Gujrat (A.I.R 1991 S.C.2176)- Supreme court considered the post of the judicial officer as a post of honor and therefore should behave according to the dignity of post.

Powers of Punishment:

According to section 29 of the code First class judicial magistrate court may pass a sentence of imprisonment not exceeding three years or of fine not exceeding Rs 5,000/- or both.

The second class magistrate court may pass a sentence of imprisonment not exceeding one year, or of fine not exceeding one thousand rupees or both.

According to sec. 29(2) First class magistrate can impose Rs 5,000/- as fine and not more. The amount cannot be more than Rs.five thousand in matters even of dishonoureof cheque. (Pankaj Bhai Nagji Bhai Patel v/s State of Gujrat, A.I.R 2001, S.C 567).

Court of Chief Judicial Magistrate

Section 12 of the code provides for the establishment of one court of a chief judicial magistrate in every district and of additional chief judicial magistrate court as per the requirement. The High court shall appoint on this post any first class judicial magistrate.

Power of Punishment:

According to section 29(1), The court of the chief judicial magistrate may pass any sentence authorized by law except a sentence of death or imprisonment for life (LI) for a term not exceeding seven years.