

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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Power of the court of the chief judicial magistrate

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.

Metropolitan Magistrate Courts

Section 16 of the code provides for the establishment of the Metropolitan Magistrate court as per the requirement. The presiding officer of the Metropolitan magistrate court is appointed by the High court.

Power of Punishment

The court of Metropolitan magistrate shall have the power of first-class magistrate court Section 29(4).

Court of Chief Metropolitan Magistrate

Section 17 of this code provides for the establishment of one Chief Metropolitan magistrate court for every Metropolitan area. Similarly, there is also provision for the establishment of additional chief Metropolitan magistrate court as per the requirements.

The High court can appoint any Metropolitan Magistrate to the post of Chief Metropolitan magistrate or additional Chief Metropolitan magistrate.

Power of Punishment

According to section 29(4), the court of Chief Metropolitan Magistrate shall have the power of the court of Chief judicial magistrate.

Special Magistrate courts

Section 13 of the code provides for the establishment of courts of the special judicial magistrate to try particular cases or a particular class of cases. Such courts are established at a particular time for a period of one year by the high court at the request of central or state government.

Almost a similar system has been provided by section 18 for Metropolitan areas. A person appointed under sec. 18 shall be called special Metropolitan magistrate.

Courts of Executive Magistrate

Section 20 of the code provides for the courts of Executive magistrate.

According to it, the state government could establish in every district and every Metropolitan area, the courts of Executive magistrate as per the requirements. One of this Executive magistrate shall be district magistrate.

Similarly, additional district magistrate in a district and sub divisional magistrate in every sub division can be appointed.

Section 21 of the code provides for the establishment of a special Executive magistrate court.

The powers of Executive Magistrate and special Executive magistrate shall be those which are provided by the state government.

Sub-Ordination

The subordination of these courts shall be as follows-

1. The chief judicial magistrate shall be in subordination to session judges.
2. Other judicial magistrates shall be subordinate to Chief judicial magistrate while having a general control of session judges (section 15 (1)).
3. Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate shall be subordinate to the court of session.
4. Another Metropolitan magistrate shall be subordinate to Chief Metropolitan magistrate while being under the general control of courts of the session. (Section 19(1)).
5. All Executive magistrate other than sub-divisional magistrate shall be subordinate to a sub-divisional magistrate while being under the general control of district magistrate.