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520. Trials before High Courts:

When an offence is tried by the High Court otherwise than under section 447, it shall, in the trial of the offence, observe the same procedure as a Court of Sessions would observe if it were trying the case.

521. Delivery to commanding officers of persons liable to be tried by Court-martial:

(1) The Central Government may make rules consistent with this Sanhita and the Air Force Act, 1950 (45 of 1950), the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957), and any other law, relating to the Armed Forces of the Union, for the time being in force, as to cases in which persons subject to army, naval or air-force law, or such other law, shall be tried by a Court to which this Sanhita applies, or by a Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable to be tried either by a Court to which this Sanhita applies or by a Court-martial, such Magistrate

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shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the unit to which he belongs, or to the commanding officer of the nearest army, naval or air-force station, as the case may be, for the purpose of being tried by a Court-martial.

Explanation.--In this section--

(a) "unit" includes a regiment, corps, ship, detachment, group, battalion or company;

(b) "Court-martial" includes any Tribunal with the powers similar to those of a Court-martial constituted under the relevant law applicable to the Armed Forces of the Union.

(2) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any unit or body of soldiers, sailors or airmen stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

(3) A High Court may, if it thinks fit, direct that a prisoner detained in any jail situate within the State be brought before a Court-martial for trial or to be examined touching any matter pending before the Court-martial.

## **522. Forms:**

Subject to the power conferred by article 227 of the Constitution, the forms set forth in the Second Schedule, with such variations as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient.

## **523. Power of High Court to make rules:**

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(1) Every High Court may, with the previous approval of the State Government, make rules--

(a) as to the persons who may be permitted to act as petition-writers in the Criminal Courts subordinate to it;

(b) regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them;

(c) providing a penalty for a contravention of any of the rules so made and determining the authority by which such contravention may be investigated and the penalties imposed;

(d) any other matter which is required to be, or may be, provided by rules made by the State Government.

(2) All rules made under this section shall be published in the Official Gazette.

**524. Power to alter functions allocated to Executive Magistrate in certain cases:**

If the Legislative Assembly of a State by a resolution so permits, the State Government may, after consultation with the High Court, by notification, direct that references in sections 127, 128, 129, 164 and 166 to an Executive Magistrate shall be construed as references to a Judicial Magistrate of the first class.

**525. Cases in which Judge or Magistrate is personally interested:**

No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

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Explanation.--A Judge or Magistrate shall not be deemed to be a party to, or personally interested in, any case by reason only that he is concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

**526. Practising advocate not to sit as Magistrate in certain Courts:**

No advocate who practices in the Court of any Magistrate shall sit as a Magistrate in that Court or in any Court within the local jurisdiction of that Court.

**527. Public servant concerned in sale not to purchase or bid for property:**

A public servant having any duty to perform in connection with the sale of any property under this Sanhita shall not purchase or bid for the property.

**528. Saving of inherent powers of High Court:**

Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

**529. Duty of High Court to exercise continuous superintendence over Courts:**

Every High Court shall so exercise its superintendence over the Courts of Session and Courts of Judicial Magistrates subordinate

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to it as to ensure that there is an expeditious and proper disposal of cases by the Judges and Magistrates.

**530. Trial and proceedings to be held in electronic mode:**

All trials, inquires and proceedings under this Sanhita, including-

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- (i) issuance, service and execution of summons and warrant;
- (ii) examination of complainant and witnesses;
- (iii) recording of evidence in inquiries and trials; and
- (iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.

**531. Repeal and savings:**

(1) The Code of Criminal Procedure, 1973 (2 of 1974) is hereby repealed.

(2) Notwithstanding such repeal--

(a) if, immediately before the date on which this Sanhita 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, 1973 (2 of 1974), as in force immediately before such commencement (hereinafter referred to as the said Code), as if this Sanhita had not come into force;

(b) all notifications published, proclamations issued, powers conferred, forms provided by rules, local jurisdictions defined, sentences passed and orders, rules and appointments, not being appointments as Special Magistrates, made under the said Code

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and which are in force immediately before the commencement of this Sanhita, shall be deemed, respectively, to have been published, issued, conferred, specified, defined, passed or made under the corresponding provisions of this Sanhita;

(c) any sanction accorded or consent given under the said 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 Sanhita and proceedings may be commenced under this Sanhita in pursuance of such sanction or consent.

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

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