

The Code of Criminal Procedure (Rajasthan Amendment) Act, 1991

RAJASTHAN

India

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Rule

THE-CODE-OF-CRIMINAL-PROCEDURE-RAJASTHAN-AMENDMENT-A of 1991

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The Code of Criminal Procedure (Rajasthan Amendment) Act, 1991 Published in Rajasthan Gazette, Extraordinary, Part 4(Ka), dated 3.2.1993. Statement of Objects and Reasons:-In a criminal trial, the court, while convicting an accused and awarding punishment to him, may order in its discretion that the whole or any part of the fine recovered from him be paid to any person as compensation for any loss or injury caused by the offence. Where fine does not form part of the sentence imposed on an accused person, the court in that case also may order the payment of such amount by way of compensation as may be specified in the order. The existing provisions contained in Section 357 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) do not, However, make it obligatory for the Court to order such payment. It has been decided that in the cases where the person against whom an offence is committed belongs to a scheduled caste or a scheduled tribe but the accused person does not belong to such caste or tribe, it may be made obligatory for a court to order payment of compensation while imposing a sentence of fine on an accused person or while imposing any other sentence on him. Such a step is likely to help curb atrocities on the members of scheduled caste and scheduled tribe. (Received the assent of the President on the 22nd day of January, 1993.) An Act further to amend the Code of Criminal Procedure, 1973 in its application to the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Forty-Second Year of the Republic of India as follows:-

1. Short title, extent and commencement

(1) This Act may be called the Code of Criminal Procedure (Rajasthan Amendment) Act, 1991. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall come into force on such date as the

State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 357, Central Act 2 of 1974

- In section 357 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),-(i)in sub-section (1), between the expression "the court may", and the expression "when passing judgment", the expression "and where the person against whom an offence is committed belongs to a schedule caste or a scheduled tribe but the accused person does not so belong, the court shall", shall be inserted; and(ii)in sub-section (3), between the expression "the court may," and the expression "when passing judgment", the expression "and where the person against whom an offence is committed belong to a scheduled caste or a scheduled tribe but the accused person does not so belong, the court shall," shall be inserted.