

# **The Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1980**

TAMILNADU

India

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### **Act 42 of 1980**

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The Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1980 Tamil Nadu Act 42 of 1980 Statement of Objects and Reasons. - Section 24 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) was substituted by section 8 of the Code of Criminal Procedure (Amendment) Act, 1978 (Central Act 45 of 1978) with effect on and from the 18th December 1978. Under sub-section (6) of section 24 as so substituted, where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor for the district only from among the persons constituting such Cadre. In the State of Tamil Nadu there exists a Cadre of Assistant Public Prosecutor, Grade II, and Assistant Public Prosecutor, Grade I, both in the mafiosi and in the City. In view of sub-section (6) referred to above, appointment of a Public Prosecutor or Additional Public Prosecutor in the district has been made temporarily from among the Assistant Public Prosecutors, Grade I. It has been represented to the Government by a number of Bar Associations that appointment to the post of Public Prosecutor and Additional Public Prosecutor in the district should be made from practising advocates in the Bar. Till the substitution of section 24 by Central Act 45 of 1978 came into effect, the position obtaining in the State was that Public Prosecutors and Additional Public Prosecutors for the Districts were appointed from eminent practising advocates of the Bar. The Government consider that it is necessary that in the interest of more efficient prosecution of cases on behalf of the Government, the appointment of Public Prosecutors and Additional Public Prosecutors for the district should be made from experienced criminal lawyers and directly from the Bar. The result will be to restore the position obtaining in the State before the amendment made by the Central Act 45 of 1978 to section 24 of the Criminal Procedure Code took effect. The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary dated the 8th August 1980. Received the assent of the President on the 21st November 1980 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 1st December 1980. An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of

Tamil Nadu. Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:-

## **1. Short title and extent.**

- This Act may be called the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1980. (2) It extends to the whole of the State of Tamil Nadu.

## **2. Amendment of section 24 (Central Act 2 of 1974).**

- In section 24 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),-(a)in sub-section (6), after the expression "sub-section (5)", the following shall be inserted, namely:-"but subject to the provisions of sub-section (6-A)";(b)after sub-section (6), the following sub-section shall be inserted, namely:-"(6-A) Notwithstanding anything contained in sub-section (6), the State Government, may appoint a person, who has been in practice as an advocate for not less than seven years, as the Public Prosecutor or Additional Public Prosecutor for the district and. it shall not be necessary to appoint the Public Prosecutor or Additional Public Prosecutor for the district from among the persons constituting the Cadre of Prosecuting Officers in the State of Tamil Nadu and the provisions of sub-sections (4) and (5) shall apply to the appointment of a Public Prosecutor or Additional Public Prosecutor under this sub-section.";(c)in sub-section (7), after the expression "sub-section (6)", the expression "or sub-section (6-A)" shall be inserted.