

The Code Of Criminal Procedure (West Bengal Amendment) Act, 1955

WEST BENGAL

India

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Act 30 of 1955

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The Code Of Criminal Procedure (West Bengal Amendment) Act, 1955West Bengal Act 30 of 1955An Act to amend the Code of Criminal Procedure, 1898, in its application to West Bengal. Whereas it is expedient to amend the Code of Criminal Procedure, 1898 for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows:-

1. Short title. -

This Act may be called the Code of Criminal Procedure (West Bengal Amendment) Act, 1955.

2. Application of the Act. -

The Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code), shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

3. Substitution of new sections for section 22 of Act 5 of 1898. -

For section 22 of the said Code, the following sections shall be substituted, namely:- "22.

Appointment of Justices of the Peace. - The State Government may, by notification in the Official Gazette, appoint for such period as may be specified in the notification, and subject to such rules as may be made by the State Government, any person who is a citizen of India and as to whose integrity and suitability it is satisfied, to be a Justice of the Peace for a local area to be mentioned in the notification, and more than one Justice of the Peace may be appointed for the same local area. Explanation. - In this section and in sections 22A and 22B 'local area' means-(a) in Calcutta, as defined in the Calcutta Municipal Act, 1951, a ward specified in Schedule V to that Act, and (b) elsewhere, the area included in a police station.

22A. Powers of Justices of the Peace. - (1) A Justice of the Peace for any local area shall, for the purpose of making arrest, have within such area all the powers of a police-officer referred to in section 54 and of an officer in charge of a police station referred to in section 55.

(2) A Justice of the Peace making an arrest in exercise of any powers under sub-section (1) shall, forthwith, take or cause to be taken the person arrested before the officer in charge of the nearest police station and furnish such officer with a report as to the circumstances of the arrest. Such officer shall thereupon rearrest the person. (3) (i) A Justice of the Peace for any local area shall have power within such area, to call upon any member of the police force on duty or any volunteer, to aid him- (a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having so participated, (b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity. (ii) Where a member of the police force on duty or any volunteer has been called upon to render aid under clause (i), such call shall be deemed- (a) when made upon a member of the police force, to have been made by a competent authority, (b) when made upon a volunteer, to have been made by a Unit Commandant (duly authorised in this behalf by the State Government) calling upon the volunteer for duty under sub-section (a1) of section 10 of the West Bengal National Volunteer Force Act, 1949. Explanation. - In this section the expressions, 'Volunteer' and 'Unit Commandant' have the same meaning as in the West Bengal National Volunteer Force Act, 1949. (4) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the State Government, - (a) issue a certificate as to the identity of any person residing within such area, or (b) verify any document brought before him by any such person, or (c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate, and, until the contrary is proved, any certificate so issued shall be presumed to be correct and any document so verified shall be deemed to be duly verified and any document so attested shall be deemed to have been as fully attested as if he had been a Magistrate.

22B. Duties of Justices of the Peace. - (1) Subject to such rules as may be made by the State Government, every Justice of the Peace for any local area shall-

(a) on receipt of information of the occurrence of any incident involving a breach of the peace, or of the commission of any offence within such local area, forthwith make inquiries into the matter and report in writing the result of his inquiries to the nearest Magistrate and to the officer in charge of the nearest police station, (b) if the offence referred to in clause (a) is a cognizable offence, also prevent the removal of anything from or the interference in any way with, the place of occurrence of the offence, (c) when so requested in writing by a police-officer making an investigation under Chapter XIV in respect of any offence committed within such local area, - (i) render all assistance to the police-officer in making such an investigation, (ii) record any statement made under expectation of death by a person in respect of whom a crime believed to have been committed. (2) The provisions of sub-section (2) of section 164 relating to the manner of recording statements shall, as far as may

be, apply to the recording of a statement under sub-clause (ii) of clause (c) of sub-section (1) as if the statement were recorded by a Presidency Magistrate or a Magistrate of the first class."

4. Repeal of section 25. -

Section 25 of the said Code is hereby repealed.