

The Sikkim Criminal Procedure Act, 1976

SIKKIM

India

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Act 3 of 1976

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The Sikkim Criminal Procedure Act, 1976 ACT NO.3 OF 1976 AN ACT to declare the application of the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) in the State of Sikkim. WHEREAS the Indian Penal Code, 1860 (Act XLV of 1860) was adopted in Sikkim by a Notification being No. 160/O.S. dated the 10th July, 1953 and WHEREAS the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) have thereafter been followed and applied in Sikkim as the law of criminal procedure in the territories comprised in Sikkim with certain changes and modifications and WHEREAS it is expedient to declare that the Code of Criminal Procedure, 1898 (Act V of 1898), with certain changes and modifications, has been the law in force in the territories comprised in the State of Sikkim immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975 and continues to be the law relating to criminal procedure in the State of Sikkim; It is hereby enacted as follows:

1. Short title and commencement.

(1) This Act may be called the Sikkim Criminal Procedure Act 1976. (2) It shall come into force at once.

2. The Code of Criminal Procedure, 1898 (Act V of 1898) is and to be the law relating to criminal procedure in Sikkim.

(1) The provisions of the Code of Criminal Procedure 1898 subject to the exceptions and modifications mentioned in the Schedule below have been the law in force in the territories comprised in the State of Sikkim immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975 and is and shall be in force as the law relating to criminal procedure in the State of Sikkim until amended or repealed by a competent Legislature or other competent authority.

The provisions of Chapter XVIII and Chapter XXIII of the Code of Criminal Procedure, 1898, do not and shall not apply and all cases triable by the Court of Sessions are and shall be filed in such Court and the trial before the Court of Session is and shall be according to the provisions of Chapter XXI of the Code.