

# **The Code of Criminal Procedure (Madhya Pradesh Amendment) Act, 1978**

MADHYA PRADESH

India

## **The Code of Criminal Procedure (Madhya Pradesh Amendment) Act, 1978**

### **Act 29 of 1978**

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The Code of Criminal Procedure (Madhya Pradesh Amendment) Act, 1978 No. 29 of 1978 Received the assent of the President on the 20th September, 1978, assent first published in the Madhya Pradesh Gazette (Extraordinary), dated the 5th October, 1978 An Act to amend the Code of Criminal Procedure, 1973 in its application to the State of Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Twenty-ninth Year of the Republic of India as follows :-

#### **1. Short title.**

- This Act may be called The Code of Criminal Procedure (Madhya Pradesh Amendment) Act, 1978.

#### **2. Amendment of Central Act No. 2 of 1974 in its application to the State of Madhya Pradesh.**

- The Code of Criminal Procedure (No. 2 of 1974) (hereinafter referred to as the Principal Act), shall, in its application to the State of Madhya Pradesh, be amended in the manner hereinafter provided. Amendment of Section 357. - In Section 357 of the Principal Act, - (i) in sub-section (1), for the brackets, figure and words "(1) when a court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the court may, when passing judgement, order the whole or any part of the fine recovered to be applied", the brackets, figure and words "(1) when a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may and where a person against whom an offence is committed belongs to Scheduled Castes or Scheduled Tribes as defined in clauses (24) and (25) of Article 366 of the Constitution except when both the accused person and the person against whom an offence is committed belong either to such castes or tribes, the court shall, when passing judgement, order the whole or any part of the fine recovered to be applied" shall be substituted; and (ii) for sub-section (3), the following

sub-section shall be substituted, namely :-(3) When a Court imposes a sentence of which fine does not form a part, the Court may, and where a person against whom an offence is committed belongs to Scheduled Castes and Scheduled Tribes as defined in clauses (24) and (25) of Article 366 of the Constitution, the Court shall, when passing judgement, order the accused person to pay, by way of compensation, such amount as may "be specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced: Provided that the court may not order the accused person to pay by way of compensation any amount, if both the accused person and the person against whom an offence is committed belong either to the Schedule Castes or the Scheduled Tribes."