

The Code of Criminal Procedure (Maharashtra Amendment) Act, 1977

MAHARASHTRA

India

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Act 1 of 1978

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The Code of Criminal Procedure (Maharashtra Amendment) Act, 1977 Maharashtra Act No. 1 of 1978 [Dated 13th January, 1978] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1977, Part V, page 360. (Assented to by the President) An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra. Whereas it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 1977. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 145 of Act 2 of 1974.

- In section 145 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter referred to as "the said Code") :- (a) in sub-section (1) for the words "Whenever an Executive Magistrate" the words "Whenever in Greater Bombay, a Metropolitan Magistrate and elsewhere in the State, an Executive Magistrate" shall be substituted; (b) for sub-section (10), the following sub-section shall be substituted, namely :- "(10) In the case of an Executive Magistrate taking action under this section nothing in this section shall be deemed to be in derogation of his power to proceed under section 107. In the case of a Metropolitan Magistrate taking action under this section, if at any stage of the proceeding, he is of the opinion that the dispute calls for an action under section 107, he shall, after recording his reasons, forward the

necessary information to the Executive Magistrate having jurisdiction to enable him to proceed under that section."

3. Amendment of section 147 of Act 1 of 1978.

- In section 147 of the said Code, in sub-section (1), for the words "Whenever an Executive Magistrate" the words "Whenever in Greater Bombay, a Metropolitan Magistrate and elsewhere in the State, an Executive Magistrate" shall be substituted.

4. Amendment of section 478 of Act 1 of 1978.

- In section 478 of the said Code, in clause (b), for the words "to an Executive Magistrate shall be construed" the words "to an Executive Magistrate in the areas of the State outside Greater Bombay shall be construed" shall be substituted.

5. Saving of proceedings pending before Executive Magistrates in Greater Bombay under sections 145 to 147 of Act 2 of 1974.

- If any proceedings under sections 145, 146 or 147 of the said Code are pending before any Executive Magistrate in Greater Bombay on the day immediately preceding the date of commencement of this Act, they shall be continued, heard and disposed of by that Magistrate, as if this Act had not been passed.