

The City Sessions Court Act, 1953

WEST BENGAL

India

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Act 20 of 1953

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The City Sessions Court Act, 1953 West Bengal Act 20 of 1953 [1st September, 1953.] An Act to establish a Court of Session for the Presidency-town of Calcutta. Whereas it is expedient to establish a Court of Session for the Presidency-town of Calcutta; It is hereby enacted as follows:-

1. Short title and commencement. -

(1) This Act may be called the City Sessions Court Act, 1953. (2) It shall come into force on the same date on which the City Civil Court Act, 1953, comes into force.

2. Definitions. -

In this Act, unless there is anything repugnant in the subject or context,- (1) "Chief Judge" means the Chief Judge of the City Sessions Court, appointed under sub-section (1) of section 4; (2) "City Civil Court" means the Court established under section 3 of the City Civil Court Act, 1953; (3) "City Sessions Court" means the Court established under section 3; (4) "High Court" means the High Court at Calcutta; [* * * * *] [Clauses (5) and (6) omitted by West Bengal Act 33 of 1969.] [* * * * *] [Clauses (5) and (6) omitted by West Bengal Act 33 of 1969.] (7) "the Code" means the Code of Criminal Procedure, 1898.

3. Establishment of City Sessions Court. -

(1) The State Government may, by notification in the Official Gazette, establish for the Presidency-town of Calcutta a Court of Session to be called the City Sessions Court. (2) The City Sessions Court shall be deemed to be a Court subordinate to and subject to the superintendence of the High Court within the meaning of the Letters Patent for the High Court and of the Code.

4. Appointment of Judges. -

(1) There shall be appointed, a Chief Judge of the City Sessions Court and as many other Judges of that Court as the State Government thinks fit. (2) The Chief Judge of the City Civil Court and the other Judges of that Court may be appointed in addition to their duties in that Court as the Chief Judge and the other Judges of the City Sessions Court.

5. City Sessions Court to be a Court of Session and the Code to apply to such Court. -

For the purposes of the Code, the Presidency-town of Calcutta shall be deemed to be a sessions division and a district, the City Sessions Court shall be deemed to be a Court of Session established for such sessions division, and the Chief Judge and the other Judges of the City Sessions Court shall be deemed respectively to be the Sessions Judge and the Additional Sessions Judges appointed for such Court of Session; and save as otherwise provided in this Act all the provisions of the Code shall apply accordingly.

6. City Sessions Court not to have jurisdiction in certain matters. -

[* * * * *] [Sub-section (1) omitted by West Bengal Act 31 of 1975.] [* * * * *] [Sub-section (2) omitted by West Bengal Act 33 of 1969.] (3) [* * * * *] [Words and figures omitted by West Bengal Act 33 of 1969.] all matters in respect of which the City Sessions Court has no jurisdiction, shall be tried, dealt with or disposed of as if this Act had not been passed.

7. Committal. -

Omitted by West Bengal Act 33 of 1969.

8. High Court not to try certain cases. -

Omitted by West Bengal Act 33 of 1969.

9. Trials before the City Sessions Court to be by jury. -

Omitted by West Bengal Act 31 of 1975.

10. Appointment of Registrar and of clerks and other ministerial officers and their duties. -

(1) The State Government shall appoint a person to be the Registrar of the City Sessions Court. (2) The State Government shall fix the number of clerks and other ministerial officers for the City Sessions Court. The appointment of such clerks and other ministerial officers shall be made by

the State Government or, if in any class or classes of cases the State Government so directs, by the Chief Judge.(3)The Registrar and any clerk or other ministerial officer may be common to the City Civil Court and the City Sessions Court.(4)The Chief Judge shall have administrative control over the Registrar of the City Sessions Court, and the clerks and ministerial officers referred to in sub-section (2), and may frame regulations prescribing the duties of such Registrar, clerks and ministerial officers.

11. Holidays and vacations. -

(1)The Chief Judge shall, before the commencement of each year, draw up a list of holidays and vacations to be observed in the City Sessions Court, and shall submit the same for the approval of the High Court.(2)Such list, when it has received such approval, shall be published in the Official Gazette and the said holidays and vacations shall be observed accordingly.

12. Attorneys entitled to act and plead in the City Sessions Court. -

(1)All persons entered as attorneys-at-law on the roll of the High Court shall be entitled to act and plead in the City Sessions Court.(2)The provisions of sub-section (1) shall be in addition to and not in derogation of any law entitling a person to act and plead, or to plead, as the case may be, in the City Sessions Court.

13. Seal. -

The City Sessions Court shall use a seal of such form and dimension as may, for the time being, be prescribed by the State Government.

14. Rules. -

(1)The High Court may, from time to time, with the approval of the Governor, make rules for the purpose of giving effect to the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,-(a)the practice and procedure of the City Sessions Court, so far as such rules are not inconsistent with the provisions of this Act as read with the Code;(b)registers, books, accounts and other records to be maintained by the City Sessions Court;(c)returns, statements and other information to be submitted by the City Sessions Court from time to time to the High Court, and also to the State Government if required by the State Government.

15. Saving of cases and proceedings pending in High Court. -

Nothing in this Act shall affect any case or proceeding pending in the High Court on the date on which this Act comes into force, and every such case or proceeding shall be continued as if this Act had not been passed.

16. Act to override other law including Letters Patent. -

The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, including in particular the Letters Patent of the High Court: Provided that nothing in this Act shall be deemed to affect any provisions of the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 or the Tribunals of Criminal Jurisdiction Act, 1952: Provided further that nothing in this Act shall be deemed to confer any jurisdiction on the City Sessions Court to try any offence under the Indian Companies Act, 1913 or deemed to affect the jurisdiction of the High Court under the Banking Companies Act, 1949.

17. Amendments to the Code. -

Omitted by West Bengal Act 38 of 1980. The First Schedule. - (Scheduled offences.) - Omitted by West Bengal Act 33 of 1969. The Second Schedule. - (Amendments to the Code of Criminal Procedure, 1898.) - Omitted by West Bengal Act 38 of 1980.