

# The Tribunals Of Criminal Jurisdiction Act, 1952.

WEST BENGAL

India

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### Act 14 of 1952

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The Tribunals Of Criminal Jurisdiction Act, 1952.XIV of 1952

**30th. July, 1952**

An Act to provide for the speedy trial certain offences. Whereas it is expedient in the interests of the security of the Stat, the maintenance of public peace and tranquility and the due safeguarding of industry and business to provide for the speedy trial of the offences specified in the Schedule; It is hereby enacted as follows:—

### 1. Short title extent and commencement.—

(1) This Act may be called the Tribunals of Criminal Jurisdiction Act, 1952. (2) It extends to the whole of West Bengal. (3) It shall come in to force immediately on the Tribunals of Criminal Jurisdiction Ordinance, 1952, ceasing to operate.

### 2. Definitions.—

In this Act unless there is anything repugnant in the subject or context—(a) “the Code” means the Code of Criminal Procedure, 1898; (b) “disturbed area” means an area in which in the opinion of the State Government—(i) there was, or (ii) there is any extensive disturbance of the public peace and tranquility and in respect of which area the Stat Government has issued a notification declaring such area to be a disturbed area. In cases falling under clauses (i) the notification shall have effect during such period as may be specified therein, and in cases falling under clause (ii) the notification shall have effect from such date as may be specified in the notification until the notification is revoked; (c) “the High Court” means the High Court in Calcutta; (d) “scheduled offence” means any offence specified in the Schedule; (e) “Tribunal” means a Tribunal of Criminal Jurisdiction constituted under sub-section (1) of section 3.

### **3. Constitution of Tribunals of Criminal Jurisdiction.—**

(1)The State Government shall from time to time, as it deems necessary, constitute by notification in the Official Gazette one or more Tribunals of criminal jurisdiction and may by like notification, abolish any such Tribunal if it deems such Tribunal to be no longer necessary.(2)The State Government shall appoint as a judge to preside over a Tribunal any person who—(a)is or has been or is qualified under clause (2) article 217 of the Constitution of India for appointment as a Judge of a High Court or(b)has for a period of not less than one year been a Sessions Judge or an Additional Sessions Judge.(3)Every Tribunal shall have jurisdiction throughout the whole of West Bengal and shall sit at such place or places as the State Government may, by notification in the Official Gazette specify in this behalf.

### **4. Offences to be tried by Tribunals.—**

(1)'Scheduled offences shall be triable by Tribunals only:Provided that when trying any case, a Tribunal may also try any offence other than a scheduled offence, with which the accused may under the Code be charged at the same trial.(2)The distribution amongst the Tribunals of case involving scheduled offences to be tried by them shall be made by the State Government.

### **5. Procedure in trials.—**

(1)A Tribunal may take cognizance of scheduled offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates instituted otherwise than on a police report:Provided that Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice:Provided further that for the purpose of sub-section (1) of section 356 of the Code English shall be deemed to be the language of a Tribunal and where under the provisions of that sub-section the evidence or witnesses is taken down in the presence and hearing and under the personal direction and superintendence of the Judge presiding over a Tribunal and not by such Judge himself, the provisions of subsection (3) of section 356 shall not apply.

### **6. Provision where services of Judge presiding over Tribunal ceases to be available.—**

(1)If for any reason the services of the person appointed as a Judge to preside over a Tribunal ceases to be available, the State Government shall as often as may be necessary, appoint another person having the qualifications referred to in clause (a) or clause (b) of sub-section (2) of section 3, as a Judge to preside over such Tribunal.(2)A person appointed under sub-section (1) as a Judge to preside over a Tribunal may act on the evidence recorded by his predecessor or predecessors or partly recorded by his predecessor or predecessors and partly recorded by himself:Provided that if the person appointed under sub-section (1) as a Judge to preside over a Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary

in the interests of justice, he may resubmit any such witness and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

## **7. Power of Tribunals to pass sentences.—**

A Tribunal may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted and where the Tribunal passes a sentence of death the provisions of Chapter XXVII of the Code shall apply.

## **8. Appeals and revision.—**

(1) Any person convicted on a trial held by a Tribunal may appeal to the High Court. (2) The State Government may direct a Public Prosecutor to present an appeal to the High Court from an order of acquittal passed by a Tribunal. (3) An appeal under this section shall lie either on a matter of fact or on a matter of law or on both. (4) The period of limitation for an appeal under sub-section (1) shall be thirty days from the date of the sentence and for an appeal under sub-section (2) shall be thirty days from the date of the order of acquittal. (5) The High Court may call for the record of the proceedings of any case tried by a Tribunal and may in respect of such case exercise any of the powers conferred on a Court of Appeal under section 423, section 426, section 427 and section 428 of the Code.

## **9. Exclusion of interference of other courts except High Court.—**

No Court excepting the High Court shall have jurisdiction to transfer any case from a Tribunal or save as otherwise provided in this Act, have jurisdiction of any kind in respect of any proceedings before a Tribunal: Provided that no case pending before a Tribunal shall be transferred to any Court except another Tribunal.

## **10. Extent to which the Code and ordinary law shall apply.—**

The provisions of the Code or of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with, arising from, or consequent upon, a trial by a Tribunal constituted under this Act as if the Tribunal were a Court of Session exercising original criminal jurisdiction.

## **11. Indemnity.—**

No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

## **12. Repeal.—**

The West Bengal Special Courts Act, 1950, is hereby repealed.

### **13. Act to override other law.—**

The provisions of this Act shall have effect notwithstanding anything in this Act which may be inconsistent with the Indian Penal Code, the Code, or any other law.

### **See section 2(d)**

(1)An offence punishable under section 121, section 121A, section 122, section 123, section 124, section 125, section 126, section 127, section 128, section 129 or section 130 of the Indian Penal Code.(2)An offence punishable under section 302, section 304, section 307, section 326, section 363, section 364, section 365, section 366, section 376, section 395, section 396, section 397 or section 436 of the Indian Penal Code, if committed in a disturbed area.(3)An offence punishable under section 302, section 304, section 326, section 307, section 395, section 396, section 397 or section 436 of the Indian Penal Code, if committed in course of a raid on or a riot in a factory or a mill or a workshop or a bank or in relation to transportation of property to or from a factory, mill, workshop or bank.(4)Any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in items 1 to 3