

Rajasthan Petty Offences (Triable by Special Judicial Magistrates) Rules, 1997

RAJASTHAN

India

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Rule

RAJASTHAN-PETTY-OFFENCES-TRIABLE-BY-SPECIAL-JUDICIAL-MAGISTRATES-RULES-1997

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Rajasthan Petty Offences (Triable by Special Judicial Magistrates) Rules, 1997Published vide Notification No. S.R.O./98/1, G.S.R.7, dated 3.1.1998. High Court of Judicature for Rajasthan at Jodhpur. Published in Rajasthan Govt. Gazette, Extraordinary 4(Ga)(I), dated 12.4.1998 at page No.13)In exercise of the powers conferred by section 13 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the High Court of Judicature for Rajasthan hereby makes the following Rules, namely:-

1. Short title and commencement.

- (i) These Rules may be called the "Rajasthan Petty Offences (Triable by Special Judicial Magistrates) Rules, 1997.(ii)They shall come into force at once.(iii)They shall apply to whole of the State of Rajasthan.

2. Definitions.

(1)In these Rules, unless context otherwise requires.-(a)'Code' shall mean the Code of Criminal Procedure, 1973;(b)'Offences' shall have the same meaning as defined in the Code;(c)'Petty Offences' means-(i)The offences mentioned in section 320 of the Code excluding offences under sections 324, 325, 335, 344, 357, 379, 381, 406, 407, 408, 411, 414, 418, 419, 420, 429, 430, 451 and 494 of the Indian Penal Code.(ii)All other offences under any Act which are punishable up to two years' imprisonment and/or with fine only.(iii)Offences relating to such other cases which may, from time to time, be assigned by the Chief Judicial Magistrate to the Special Judicial Magistrate for

trial.(2)Other expressions used in these 'rules shall have the same meaning as assigned to them in the Code.

3. Establishment of Courts of Special Judicial Magistrate.

- The State Government may, after consultation with the High Court, establish, for any local area one or more Courts of Special Magistrate under the proviso to sub-section (1) of Section 11 of the Code, in each district.

4. Qualifications of Special Judicial Magistrates

- A person shall not qualified for appointment as a Special Judicial Magistrate unless he :(a)is/or has been a Judicial Officer, or(b)is a retired I.A.S. or R.A.S. Officer having exercised the powers of District Magistrate or Sub-Divisional Magistrate for a period of not less than six months and having a Degree of Bachelor of Law (two years course under the old scheme and three years course under the new scheme) of any University established by law in India, or(c)is an Advocate having standing of atleast 10 years at bar, or(d)has been an Executive Magistrate for not less than 5 years.

5. Penal.

- (i) The Registrar, Rajasthan High Court with the approval of the Chief Justice shall prepare a panel of suitable persons to be appointed as Special Judicial Magistrates.(ii)The panel so prepared by the Registrar and approved by the Chief Justice shall be forwarded to the Government for consultation.(iii)The State Government shall send the names of persons out of the panel so prepared to the High Court for issuing appointment orders of Special Judicial Magistrates.(iv)Such Special Judicial Magistrates shall exercise the same powers as conferred by the Code on Judicial Magistrate Ist Class.

6. Oath to Special Judicial Magistrates

- (i) The Special Judicial Magistrates, before entering upon his office shall take oath as has been prescribed for the Judicial Magistrates. The oath shall be administered by the Sessions Judge of the area where such Special Judicial Magistrate is posted.(ii)Every Special Judicial Magistrate except those mentioned in Rule 4(a) and (b) above shall undergo fifteen days training, with the Chief Judicial Magistrate of the area under the supervision of Sessions Judge:Provided that the Chief Justice may exempt any such appointee from training.

7. Administrative Control.

- Special Judicial Magistrates shall be under the administrative control of the concerned Sessions Judge.

8. Term of Offices of Special Judicial Magistrates

- The term of office of such Special Judicial Magistrate shall be one year which may be extended from time to time upto a maximum of five years or till the incumbents attain the age of 62 years whichever is earlier: Provided that the appointment of the Special Judicial Magistrates may be terminated by the Chief Justice before the expiry of the said period on the ground of misbehaviour or incapacity after an enquiry made by the Sessions Judge concerned.

9. Pay and Allowances.

- The State Government by order may provide for remuneration and other allowances of the Special Judicial Magistrates as well as of the staff attached to them in consultation with the High Court.

10. Providing Court Building.

- The State Government shall provide Court Building and the staff to the Special Judicial Magistrates in consultation with the Chief Justice.

11. Functions of Special Judicial Magistrates.

- (i) Unless the High Court directs otherwise, all petty offences as assigned by the Chief Judicial Magistrates shall be tried by the Special Judicial Magistrates in accordance with Law. (ii) All petty offences shall be tried in a summary way as per the procedure laid down in section 260 of the Code. (iii) When in the course of summary trials, it appears to the Special Judicial Magistrate that the nature of the case is such that it is not desirable to try it summarily, he shall refer the case to the Chief Judicial Magistrate who may either try the same himself or assign it to any other Special Judicial Magistrate of competent jurisdiction.

12. Provisions as to Bail.

- Special Judicial Magistrate in relation to petty offences defined above, shall have the same powers regarding the bail as are provided in the Code.

13. Repeal.

- The (Rajasthan) Special Judicial Magistrates (Specification of Qualifications) Rules, 1975 framed vide Notification No. 8/S.R.O. dated 19 July, 1975 published in Rajasthan Gazette Extra Ordinary Part I(B), dated 9.8.1975 page 59 are hereby repealed.