

a Judicial Magistrate of the first class or of the second class on any member of the Judicial Service of the State, functioning as a Judge in a Civil Court.

STATE AMENDMENT

Union territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli and Lakshadweep

In the Code, as it applies to the Union Territories to which this regulation extends, in sub-section (3) of section 11, for the words “any member of the judicial service of the state functioning as a judge in a civil court”, the words “any person discharging the functions of a civil court”, shall be substituted.

[Vide The Code of Criminal Procedure (Amendment) Regulation, 1974 Act (1 of 1974), s. 4.]

12. Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc.—(1) In every district (not being a metropolitan area), the High Court shall appoint a Judicial Magistrate of the first class to be the Chief Judicial Magistrate.

(2) The High Court may appoint any Judicial Magistrate of the first class to be an Additional Chief Judicial Magistrate, and such Magistrate shall have all or any of the powers of a Chief Judicial Magistrate under this Code or under any other law for the time being in force as the High Court may direct.

(3) (a) The High Court may designate any Judicial Magistrate of the first class in any sub-division as the Sub-divisional Judicial Magistrate and relieve him of the responsibilities specified in this section as occasion requires.

(b) Subject to the general control of the Chief Judicial Magistrate, every Sub-divisional Judicial Magistrate shall also have and exercise, such powers of supervision and control over the work of the Judicial Magistrates (other than Additional Chief Judicial Magistrates) in the sub-division as the High Court may, by general or special order, specify in this behalf.

13. Special Judicial Magistrates.—(1) The High Court may, if requested by the Central or State Government so to do, confer upon any person who holds or has held any post under the Government, all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate ¹[of the first class or of the second class, in respect to particular cases or to particular classes of cases, in any local area, not being a metropolitan area:]

Provided that no such power shall be conferred on a person unless he possesses such qualification or experience in relation to legal affairs as the High Court may, by rules, specify.

(2) Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term, not exceeding one year at a time, as the High Court may, by general or special order, direct.

²[(3) The High Court may empower a Special Judicial Magistrate to exercise the powers of a Metropolitan Magistrate in relation to any metropolitan area outside his local jurisdiction.]

STATE AMENDMENT

Assam

For section 13 of the Code, the following shall be substituted, namely:—

“13. (1) The State Government may appoint as many persons as it thinks fit to be sub divisional Magistrates in any district in the State of Assam.

(2) The State Government, or subject to the control of the State Government, the District Magistrate may place one or more Sub divisional Magistrates in charge of a subdivision”.

[Vide Assam Act 13 of 1964, s. 2.]

1. Subs. Act 45 of 1978, s. 4, for certain words (w.e.f. 18-12-1978).

2. Ins. by s. 4, *ibid.* (w.e.f. 18-12-1978).