

[Vide Madhya Pradesh Act 21 of 1995, s. 3.]

West Bengal

In Sub-section (6) of section 24 of the principal Act, for the words “shall appoint a Public Prosecutor or an Additional Public Prosecutor only”, the words “may also appoint a Public Prosecutor or an Additional Public Prosecutor” shall be substituted.

[Vide West Bengal Act 26 of 1990, s. 3.]

West Bengal

In sub-section (6) of section 24 of the principal Act, the proviso shall be omitted.

[Vide West Bengal Act 25 of 1992, s. 3.]

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 24.— After sub-section (6), insert the following sub-section, namely:—

“(6A).—Notwithstanding anything contained in sub-section (1) and sub-section (6), the Government of the Union territory of Jammu and Kashmir may appoint a person who has been in practice as an Advocate for not less than seven years as Public Prosecutor or Additional Public Prosecutor for High Court and for the District Courts and it shall not be necessary to appoint Public Prosecutor or Additional Public Prosecutor for the High Court in consultation with High Court and Public Prosecutor or Additional Public Prosecutor for the District Court from amongst the person constituting the cadre of Prosecution for the State of Jammu and Kashmir.”

[vide the *Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order*, 2020, vide notification No. S.O. 1123(E) dated (18-3-2020).]

25. Assistant Public prosecutors.—(1) The State Government shall appoint in every district one or more Assistant Public Prosecutors for conducting prosecutions in the Courts of Magistrates.

¹[(1A) The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates.]

(2) Save as otherwise provided in sub-section (3), no police officer shall be eligible to be appointed as an Assistant Public Prosecutor.

(3) Where no Assistant Public Prosecutor is available for the purposes of any particular case, the District Magistrate may appoint any other person to be the Assistant Public Prosecutor in charge of that case:

Provided that a police officer shall not be so appointed—

(a) if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted; or

(b) if he is below the rank of Inspector.

1. Ins. by Act 45 of 1978, s. 9 (w.e.f. 18-12-1978).