

STATE AMENDMENT

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

Section 382 shall be re-numbered as sub-section (1) of that section, and sub-section (1) as so re-numbered, the following provisos and *Explanation* shall be added, namely: —

“Provided that where it is not practicable to file the petition of appeal to the proper Appellate Court, the petition of appeal may be presented to the Administrator or to an Executive Magistrate, not below the rank of Sub-Divisional Magistrate, who shall forward the same to the proper Appellate Court; and, when any such appeal is presented to the Administrator or to an Executive Magistrate, he shall record thereon the date of its date of presentation and, if he is satisfied that, by reason of the weather, transport or other difficulties, it is not possible for the appellant to obtain, from the proper Appellate Court, orders for the suspension of sentence or for bail, he may, in respect of such appeal, or an appeal forwarded to him under section 383, exercise all or any of the powers of the proper Appellate Court and sub-section (1) of section 389 with regard to suspension of sentence or release of a convicted person on bail:

Provided further that the order so made by Administrator or the Executive Magistrate shall have effect until it is reversed or modified by the proper Appellate Court.

Explanation:—For the purposes of the provisos to this section, and section 383, ‘Administrator’, in relation to a Union territory means the Administrator appointed by the President under article 239 of the Constitution, for that Union territory.”;

In section 382 after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) For purposes of computation of the period of limitation, and for all other purposes, an appeal presented to an Administrator or an Executive Magistrate under sub-section (1) or as the case may be, under section 383, shall be deemed to be an appeal presented to the proper Appellate Court.”;

[*Vide* The Code of Criminal Procedure (Amendment) Regulation, 1974 Act (1 of 1974) s. 5.]

383. Procedure when appellant in jail.—If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

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In section 383, the following words shall be inserted at the end, namely: —

“or if, by reason of the weather, transport or other difficulties, it is not possible to forward them to the proper Appellate Court they shall be forwarded to the Administrator or an Executive Magistrate, not below the rank of a Sub-Divisional Magistrate, who shall, on receipt of such petition of appeal and copies, record thereon the date of receipt thereof and thereafter forward the same to the proper Appellate Court.”.

[*Vide* The Code of Criminal Procedure (Amendment) Regulation, 1974 Act (1 of 1974), s. 5.]

384. Summary dismissal of appeal.—(1) If upon examining the petition of appeal and copy of the judgment received under section 382 or section 383, the Appellate Court considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily:

Provided that—