

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.

STATE AMENDMENTS

Maharashtra

Amendment of section 190.- In section 190 of the said Code, in sub-section (1), after clause (c), following provisos shall be added, namely:—

“Provided that, no Magistrate shall take cognizance of any offence alleged to have been committed by any person who is or was a public servant as defined under any other law for the time being in force, while acting or purporting to act in the discharge of his official duties, except with the previous sanction under section 197 of the Code of Criminal Procedure, 1973 (2 of 1974) or under any law for the time being in force:

Provided further that, the sanctioning authority shall take a decision within a period of ninety days from the date of the receipt of the proposal for sanction and in case the sanctioning authority fails to take the decision within the said stipulated period of ninety days, the sanction shall be deemed to have been accorded by the sanctioning authority.”.

[Vide Maharashtra Act 33 of 2016, s. 3.]

Assam

In Section 190 of the Code, in sub-section (1), after the words “any Magistrate of the first class” the words “any Executive Magistrate” shall be inserted;

[Vide Assam Act 3 of 1984, s. 3(3) and the Schedule.]

191. Transfer on application of the accused.—When a Magistrate takes cognizance of an offence under clause (c) of sub-section (1) of section 190, the accused shall, before any evidence is taken, be informed that he is entitled to have the case inquired into or tried by another Magistrate, and if the accused or any of the accused, if there be more than one, objects to further proceedings before the Magistrate taking cognizance, the case shall be transferred to such other Magistrate as may be specified by the Chief Judicial Magistrate in this behalf.

STATE AMENDMENT

Assam

In Section 191 of the Code, the reference to “Chief Judicial Magistrate” Shall, in relation to an offence taken cognizance of by an Executive Magistrate, be construed as a reference to the District Magistrate.

[Vide Assam Act 3 of 1984, s. 3(3) and the Schedule.]

192. Making over of cases to Magistrates.—(1) Any Chief Judicial Magistrate may, after taking cognizance of an offence, make over the case for inquiry or trial to any competent Magistrate subordinate to him.

(2) Any Magistrate of the first class empowered in this behalf by the Chief Judicial Magistrate may, after taking cognizance of an offence, make over the case for inquiry or trial to such other competent Magistrate as the Chief Judicial Magistrate may, by general or special order, specify, and thereupon such Magistrate may hold the inquiry or trial.

STATE AMENDMENT

Assam

In Section 192 of the Code:—

(i) in sub-section (1), after the word “Any” the words “District Magistrate” shall be inserted;

(ii) sub-section (2) shall be substituted as follows:—

(2) Any Sub-divisional Magistrate or Magistrate of the first class empowered in this behalf by District