

(3) The Chief Judicial Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case and may call for and take any further evidence and shall pass such judgment, sentence or order in the case as he thinks fit, and is according to law.

326. Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.—¹(1) Whenever any ¹[Judge or Magistrate], after having heard and recorded the whole or any part of the evidence in any enquiry or a trial, ceases to exercise jurisdiction therein and is succeeded by another ¹[Judge or Magistrate] who has and who exercises such jurisdiction, the ¹[Judge or Magistrate] so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself:

Provided that if the succeeding ¹[Judge or Magistrate] is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of Justice, he may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

(2) When a case is transferred under the provisions of this Code ²[from one judge to another Judge or from one Magistrate to another Magistrate], the former shall be deemed to cease to exercise jurisdiction therein, and to be succeeded by the latter, within the meaning of sub-section (1).

(3) Nothing in this section applies to summary trials or to cases in which proceedings have been stayed under section 322 or in which proceedings have been submitted to a superior Magistrate under section 325.

327. Court to be open.—³[(1)] The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

⁴[(2) Notwithstanding anything contained in sub- section (1), the inquiry into and trial of rape or an offence under section 376, ⁵[section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB] section 376E of the Indian Penal Code (45 of 1860)] shall be conducted *in camera* :

Provided that the presiding Judge may, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the room or building used by the Court:

⁶[Provided further that *in camera* trial shall be conducted as far as practicable by a woman Judge or Magistrate.]

(3) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings except with the previous permission of the Court:]

⁶[Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties.]

1. Subs. by Act 45 of 1978, s. 27, for “Magistrate” (w.e.f. 18-12-1978).

2. Subs. by s. 27, *ibid.*, for “from one Magistrate to another Magistrate”(w.e.f. 18-12-1978).

3. S. 327 renumbered as sub-section (1) thereof by Act 43 of 1983, s. 4 (w.e.f. 25-12-1983).

4. Ins. by Act 43 of 1983, s. 4 (w.e.f. 25-12-1978).

5. Subs. by Act 22 of 2018, s. 17, for “section 376A, section 376B, section 376C section 376D” (w.e.f. 21-4-2018).

6. Ins. by Act 5 of 2009, s. 24 (w.e.f. 31-12-2009).