

Since the enactment of the Criminal Procedure Code, 1973, the trial of criminal cases is done exclusively by "Judicial Magistrates". The Chief Judicial Magistrate is the head of the criminal courts within the district. In Calcutta and other "metropolitan areas", there are Metropolitan Magistrates.³ The Judicial and Metropolitan Magistrates, discharging judicial functions, under the administrative control of the State high court, are to be distinguished from Executive Magistrates who discharge the executive function of maintaining law and order, under the control of the State Government.

There are special arrangements for civil judicial administration in the "Presidency towns", which are now called "metropolitan areas". The Original Side of the high court at Calcutta tries the bigger *civil* suits arising within the area of the Presidency town. Suits of lower value within the city are tried by the City Civil Court and the Presidency Small Causes Court. But the Original *Criminal* jurisdiction of all high courts, including Calcutta, has been taken away by the Criminal Procedure Code, 1973.³

The High Court is the supreme judicial tribunal of the State — having both Original and Appellate jurisdiction. It exercises appellate jurisdiction over the District and Sessions Judge, the Presidency Magistrates and the Original Side of the high court itself (where the Original Side still continues). There is a high court for each of the States, except Nagaland, Mizoram, and Arunachal Pradesh, which have the three respective benches of the high court of Gauhati as their common high court;⁴ and Haryana, which has a common High Court (at Chandigarh) with Punjab. The High Court of Judicature at Hyderabad functioned as the common High Court for the State of Telangana and the State of Andhra Pradesh with effect from 02 June 2014 by virtue of section 30(1) of part IV of the Andhra Pradesh Reorganisation Act, 2014. As per the Order of the Government of India, dated 26 December 2018, the common High Court of Judicature at Hyderabad has been bifurcated and new high courts namely, High Court for the State of Telangana and High Court of Andhra Pradesh have been established. The seat of High Court of Andhra Pradesh has been established at Amravati while the seat of the High Court of Telangana is Hyderabad.⁵ The Bombay High Court is common for the States of Maharashtra and Goa, (and also for the Union Territories of Dadra and Nagar Haveli and Daman and Diu).

The Jammu and Kashmir Reorganisation Act, 2019 provides that the High Court of Jammu and Kashmir shall be the common High Court for the Union territory of Jammu and Kashmir and Union territory of Ladakh. It provides that the Judges of the High Court of Jammu and Kashmir for the erstwhile State of Jammu and Kashmir holding office immediately before 31 October 2019 shall become on that day the Judges of the common High Court.

As regards the Judiciary in Union Territories, see under "Union Territories".

The Supreme Court has appellate jurisdiction over the high courts and is the highest tribunal of the land. The Supreme Court also possesses original and advisory jurisdictions which will be fully explained hereafter (in chapter 22).

REFERENCES

1. For a list of high courts, their seat and territorial jurisdiction, see Table XVII.
2. *All India Judges Association v UOI*, AIR 1992 SC 165.
3. See Author's *Criminal Procedure Code, 1973*, Prentice-Hall of India, 2nd Edn, 1992, pp 38, *et seq.*
4. Three separate high courts have been established in Meghalaya, Manipur and Tripura by the President of India, in exercise of the powers conferred by sub-section (2) of section 28A of the North Eastern Areas (Reorganisation) Act, 1971 and has appointed the Principal