

CODE OF CRIMINAL PROCEDURE (MANIPUR SECOND AMENDMENT) ACT, 1984

No. • Manipur Gazette 8 XTRAORDJNARY PUBLISHED BY AUTHORrrr 663 (E) Impbaj." Sift7idâf, arch-•23, 1985 (Chaitra 2, GOVERNMENT. F MANIPUR SECRETARIAT : LAW & EGISLATIVE AFFAIRS DEPARTMI NT NOTIFICATION Imphal, the 23rd Iv arch, •1985 1907) No. 2/4/84-Leg/L.— The following vbi ch received assent of the Prsident published in the Manipur Gazette

1. Secretary ct or the Lcgislature, Manipur f India on 10-3-85 is hereby DIJOY.SINGII, the Government of Manipur. THE CODE OF CR'IMINAL PRPCEDURE (MANIPUR SECOND AMENDMENT) ,ACT, 1984 (Manipur Act,' No. 3 of 01985) Acr further to oمند the Code of Crinunal Procedure, 1973. Bc it enacted by- the Legislature of Manipur in the Thirty-lit-th Year of the Republic of India as followi :— (1) This Act may be called C.odc of Criminal Procedure T. (Manipur Second •Amendment) Act,]984. (2) rt extends to the whole of he State or Manipur. (3) JE shall come into force dt once and shall remain in force for a period of three } ears which may be eltended by the State Government from time to time for any period,: ot exceeding one year at any one timer but its expiry under the o eration of this sub-section sh.'ll not affect:— Short title. extent and commncnc- ructit. Definitions. temporary pow on ive 37 of 1967. (a) t.he previous operation of, or ac.ything duly done or uncler this Act, or (b) any right, privilege, obligation liability acquired, accrued or incurred under this Act, or (c) any perl<y, forfeiture or ' incurred under [his Act, or (d) any inve.stigation, legal Proceeding; or remedy in respect of any such right, privilege, obligation, lihbility, penalty, forfeiture or. punishment as aforesaid. and any such.investigation, legal proceeding ot remedy. may be instituted, continued ore enfi5?céd and anp siich•. penâ(ty:, forfeiture or punishrncnt may b?' imppsed as if. this Act had, not, expired, 2. In this Act, unless the• context therwise requires— (a) "Specified Executive Magistrate" means— (i) District Magistrate, (ii) Additional District Magistr ate, (iii) Any other Executive Magi. rate' designated by the State Government, by general o special order, as Specified Executive Magistrate after onsidering his qualification or experience in relation to lc.al alF•airs, for such areas as may be speccited therein , (b) words and expressions used here n and not defined but defined in the Code of Criminal Procedure, I p 73 shall have the meanings respectively assigned to them in that .ocle

3. During period of operation or this Act, tile Code of Criminal Li ret 197•.1 (hereinafter ('cli:tl'cd to the Code), shall hit vc cn•cct subject to the provisions of section 4 and the amendments •and modifica- fions thereto referred to in that section. 4. (1) Notwithstanding anything contained in the Code, a Specified Exccu!ive Magistrate shall, to the exclusion of any other Magistrate, have power— (o) to authorise detention or any person accused of any of the following offences being an otTence forrping part or arising out of or connected with, any violence by member of an association declared as unlawful associatioa under the Unlawful Activities (Prevention) Act, 1967, namely— (i) ofTences under the Indian Penal Code or any other law for the time being in force puhishable with imprisonment for a term not exceeding two) ears or with fine or with both; (ii) offences punishable under Chapter VICI (Offences against the public tranquillity) an Chapter X (Contempts of the lawful authority or servants) of the Indian ?eaak Code ; 3 (b) to take cognizance or, and try and di cases. (2) För the. pu?poses of this section, the Code, shall, notwith- Sliding atrything Contained ther,ein, have effect subject to. the amend- und modifications• specified in the Scheduli to this Acg and such 'ér modifications' as may be necessaiy. (3) Nothing in this section shall apply to c ses relating to offences cognizance of under the Code before t e corpmen•cement of THE SCHEDULE [See Section Ameidments and modifications to the Code pf Criminal •Procedurey 73

1. In section 29 of the Code, after sub-section the following b-section shall be added, namely, —(‘(2A) The Court ofa Specified Executive Magistqate may pass a sentence of imprisonment for a term n•ot.er.ceéding' two years, or of fine not• exceeding two thousand .rupees;. or of both."

2. In section 167 of the Code, after sub-sev•tion (6), the following b-section shall be added, namely,—A Specified Executive Magistrate shall, to the exclusion o? any other Magistrate, have power to authorise detention under this section or any person acuSed of any offences: specified in, clause (a) of Sub- section (I) of section 4 df the Code or Criminal • Procedure (Manipur Second Amendment) Act, ailld as• respects those offences,— (ii) (iü) (iv) the reference in the' foregoing sub-sections toe a Magistrate or Judicial Magistrate shall be construv.)d reference to a Specified Executive Magistrate ; paragraph. (c) Of

the proviso to sub-section (2) shall be deemed to have been omitted; Sub-section (2A) shall be deemed to have been omitted; the words 'Other than the Chief Judicial Magistrate' in sub-section 4, shall be deemed to have been omitted and for the words 'to the Chief Judicial Magistrate' in that sub-section, the words 'to the Sessions Judge' shall be deemed to have been substituted. In section 190 of the Code, after sub-section (2), the following sub-section shall be added, namely,— 'Any Specified Executive Magistrate may, to the exclusion, of any Magistrate, take cognizance, under sub-section (1), of any offence specified in clause (a) of sub-section (1) of section 4 of the Code of Criminal Procedure (Manipur Second Amendment) Act, 1984, and the reference in sub-section (1) of this section to a Magistrate, to the effect of the first clause shall, in relation to such offence, be construed as reference to a Specified Executive Magistrate.'

4. In section 39 of the Code, the reference to Chief Judicial Magistrate shall, in relation to an offence taken cognizance of by Executive Magistrate, be construed as reference to District Magistrate

5. In section 192 of the Code,—(i) in sub-section (J), after the word "Any", the words "District Magistrate or" shall be inserted; (ii) for sub-section (2), the following sub-section shall be added, namely,— 'L 2) Any Sub-Divisional Magistrate who is a Specified Magistrate or any Magistrate of the first class empowered in this behalf by the District Magistrate or Chief Judicial Magistrate, case may be, and, after taking cognizance of an offence; over the case for inquiry or trial to such other competent as the District Magistrate or Chief Judicial Magistrate— general or special order, specify, and thereupon such Magistrate shall the inquiry or trial.' 6- in section 196 of the Code, after sub-section (3), the shall be added, namely,— '4(4) No Specified Executive Magistrate shall take cognizance of any offence except with the previous sanction of the State Government or such other authority or officer as it may, by order in the official Gazette, specify.'

7. In relation to trial of the offences specified in clause (a) section (i) of section 4 (of this Act, any reference to a Magistrate Chapters X, XI and XX of the Code shall be construed as reference to a Specified Executive Magistrate and the expression "Any Magistrate sixth column of (the First Schedule to the Code) in Specified Executive Magistrate; 8. section 374 or the Code, in clause (a) of sub-section the words "Magistrate of the first class or of the second class" words "Magistrate of the first class, Specified Executive Magistrate of the second class" shall be substituted. — Directorate Ptg. & Sty., Manjpur/400-C/23-3-85.