

Code of Criminal Procedure, 1973

Section 9 - Court of Session

- (1) The State Government shall establish a Court of Session for every sessions division.
- (2) Every Court of Session shall be presided over by a Judge, to be appointed by the High Court.
- (3) The High Court may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in a Court of Session.
- (4) The Sessions Judge of one sessions division may be appointed by the High Court to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in the other division as the High Court may direct.
- (5) Where the office of the Sessions Judge is vacant, the High Court may make arrangements for the disposal of any urgent application which is, or may be, made or pending before such Court of Session by an Additional or Assistant Sessions Judge, or, if there be no Additional or Assistant Sessions Judge, by a Chief Judicial Magistrate, in the sessions division; and every such Judge or Magistrate shall have jurisdiction to deal with any such application.
- (6) The Court of Sessions shall ordinarily hold its sitting at such place or places as the High Court may, by notification, specify; but, if, in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sittings at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein.

Explanation.-For the purposes of this Code, "appointment" does not include the first appointment, posting or promotion of a person by the Government to any Service, or post in connection with the affairs of the Union or of a State, where under any law, such appointment, posting or promotion is required to be made by Government.

STATE AMENDMENTS

1 2 Uttar Pradesh:

In section 9 after sub-section (5), the following sub-section shall be inserted, namely:-

"(5-A) In the event of the death, resignation, removal or transfer of the Sessions Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from his place at which his Court is held, the senior most among the Additional Sessions Judges, and the Assistant Sessions Judges present at the place, and in their absence the Chief Judicial Magistrate shall without relinquishing his ordinary duties assume charge of the office of the Sessions Judge and continue in charge thereof until the office is resumed by the sessions judge or assumed by an officer appointed thereto, and shall subject to the provision of this Code and any rules made by the High Court in this behalf, exercise any of the powers of the Sessions Judge."

In section 9, in sub-section (6), insert the following proviso:--

"Provided that the Court of Sessions may hold, or the High Court may direct the Court of Session to hold its sitting in any particular case at any place in the Sessions Division, where it appears expedient to do so for considerations of internal security or public order, and in such cases, the consent of the prosecution and the accused shall not be necessary."

3 West Bengal:

In section, to sub-section (3) of section 9 the following provisos shall be added:--

"Provided that notwithstanding anything to the contrary contained in this Code. Additional Sessions Judge in a sub-division, other than the sub-division, by whatever name called, wherein the headquarters of the Sessions Judges are situated, exercising jurisdiction in a Court of Session, shall have all the powers of the Sessions Judge under this Code, in respect of the cases and proceedings in the Criminal Courts in that sub-division, for the purposes of sub-section (7) of section 116 sections 193 and, clause (a) of section 209 and sections 409, 439 and 449:

Provided further that the above powers shall not be in derogation of the powers otherwise exercisable by an Additional Sessions Judge or a Sessions Judge under this Code."

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1. Vide U.P. Act 1 of 1984, Section 2 (w.e.f 1-5-1984).
 2. Vide U.P. Act 16 of 1976, Section 2 (w.e.f. 28-11-1975).
 3. Vide W.B. Act 24 of 1988, Section 3.
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