

Code of Criminal Procedure, 1898

Section 17 - Subordination of Magistrates and Benches to District Magistrate: State Amendments GUJARAT.-Same as that of Maharashtra

1) In its application to the State of Maharashtra in Section 17 (i) In sub-section (1) of Section 17,- (a) For the words "All Magistrates" substitute the words "All Judicial Magistrates" ; (b) delete the figures "13"; (c) for the words "District Magistrates" substitute the words "Sessions Judges" ; (d) delete the word "and" at the end (ii) Delete sub-section (2) and sub-section (5). (iii) In the first marginal note to the section for the word "Magistrate" the words "Judicial Magistrates" ' and for the words "District Magistrate" the words "Sessions Judge" be substituted. (iv) In sub-section (4) of Section 17, for the words "by the District Magistrate and such Judge or Magistrate" substitute the words and brackets "by a Civil Judge (Senior Division) or if there is no Civil Judge (Senior Division), by the Session Judge or Additional or Assistant Sessions Judge of an adjoining Sessions Division, and such Judge". Bom. Act 23 of 1951, Section 2 and Sch. and LXXI of 1954, Section 2. (2) After the reorganization of the State of Bombay in 1956 the amendments made in Section 17 by the abovementioned Bombay Acts are extended to the newly added areas of Hyderabad, Kutch and Saurashtra and the region of Vidarbha as from 1-9-1959 by Bom. Act XCII of 1958. MYSORE-Same as that of Maharashtra, see Section 10 of Mysore Act 13 of 1965. PUNJAB, HARYANA AND CHANDIGARH.-The following sections shall be substituted, namely: "17. Subordination of Assistant Sessions Judges, Judicial Magistrates and Benches to Sessions Judge and Chief Judicial Magistrate.-(1) All Judicial Magistrates appointed under sub-sections (2) and (3) of Section 12 and Section 14 and all Benches constituted under Section 15. shall, subject to the control of the Sessions Judge be subordinate to the Chief Judicial Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches. (2) All Chief Judicial Magistrates shall be subordinate to the Sessions Judge. (3) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges, (4) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Sessions Judge by the Chief Judicial Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application. ORISSA,___The words "or in his absence at headquarters by the Additional District Magistrate or if there be more than one such Additional District Magistrate by any one of them" were added in sub-section (4) after the words "by the District Magistrate". (Orissa Act 21 of 1959). RAJASTHAN-Abu area-Same as that of (1) of Maharashtra. UNION TERRITORIES (except Chandigarh), same as that of Punjab. , WEST BENGAL-In its application to the State of West Bengal, for Section 17, substitute the following sections namely : "17. Subordination of Executive Magistrates.-(1) All Executive Magistrates appointed under Sections 12, 13 and 14 shall be subordinate to the District Magistrate, and he may from time to time, make rules or give special orders consistent with this Code as to the distribution of business amongst such Magistrates. (2) Every Executive Magistrate in a sub-division shall be subordinate to the SubDivisional Executive Magistrate subject, however, to the general control of the District Magistrate. Section 17-A After Section 17, insert the following Section 17-A MAHARASHTRA "17-A. Subordination of Executive Magistrate.-(1) All Executive Magistrates appointed under Section 13 or 14 shall be subordinate to the District Magistrate and every Taluka Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate. (2) The District Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among the magistrates subordinate to him and as to allocation of business to an Additional District Magistrate. Bom. Act VIII of 1954, Section 2 and Sch. PUNJAB, HARYANA AND CHANDIGARH 17-A. Subordination of Executive Magistrates.-(1) All Executive Magistrates appointed under sub-section (1) of Section 12 and Section 13 shall be subordinate to the District Magistrate and every Executive Magistrate

(other than a sub-divisional Magistrate) exercising powers in a sub-division shall also be subordinate to the Subdivisional Magistrate, subject however, to the general control of the District Magistrate. (2) The District Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among the Executive Magistrates subordinate to him and as to allocation of business to an Additional District Magistrate. WEST BENGAL 17-A. Subordination of Judicial Magistrates and Benches.-(1) All Judicial Magistrates appointed under Sections 12, 13-A and 14 and all Benches constituted under Section 15 shall, subject to the control of the Sessions Judge, be subordinate to the Sub-Divisional Judicial Magistrate and the Sub-divisional Judicial Magistrate may from time to time distribute the business amongst such Judicial Magistrates and Benches consistent with this Code and the rules framed by the High Court. (2) The Sub-divisional Judicial Magistrate shall be subordinate to the Sessions Judge. (3). Notwithstanding anything contained in sub-section (1), the Sessions Judge may, in for any reason he thinks fit so to do, distribute the business referred to in that Subsection amongst the Judicial Magistrates and Benches within the Sessions divisions Consistently with this Code and the rule framed by the High Court. Section 17-B After Section 17-A, insert the following Section 17-B MAHARASHTRA "17-B. Inferior Criminal Courts.-Court of Sessions and Courts of Magistrates including Courts of Presidency Magistrates) shall be Criminal Courts inferior to the High Court and Courts of Magistrates outside Greater Bombay, shall be Criminal Courts inferior to the Courts of Sessions." Bom. Act XXIII of 1951, Section 52 and Sch-PUNJAB, HARYANA AND CHANDIGARH 17-B. Courts inferior to the High Court and Court of Session.-Courts of Session and Courts of Judicial Executive Magistrates shall be Criminal Courts inferior to the High Court and Courts of Judicial and Executive Magistrates shall be Criminal Courts inferior to the Court of Session." (Punjab Act XXV of 1964). WEST BENGAL 17-B. Subordination of Assistant Sessions Judge to Sessions Judge.-(1) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction and the Sessions Judge may from time to time distribute the business amongst such Assistant Sessions Judges consistent with this Code and the rules framed by the High Court. (2) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provisions for the disposal of any urgent application by the Additional or Assistant Sessions Judge, or if there be no Additional or Assistant Sessions Judge, by the Sub-divisional Judicial Magistrate, and any such Judge or Magistrate shall have jurisdiction to deal with any such application. Section 17-G After Section 17-B, insert the following Section 17-C WEST BENGAL 17-C. Delegation of powers by the High Court.-The High Court, and subject to its control the Sessions Judge, may authorise an Additional Sessions Judge to perform within its jurisdiction all or any of the powers of supervision and control over the Judicial Magistrates. Section 17-D After Section 17-C, insert the following Section 17-D WEST BENGAL 17-D. inferior Criminal Courts.-Courts of Sessions and Courts of Magistrates shall be Criminal Courts inferior to the High Court and Courts of Magistrates (excluding Courts of Presidency Magistrates) shall be criminal courts inferior to the Court of Session." W. B. Act 8 of 1970, Section 3 and Sch., item 13" (1) All Magistrates appointed under Sections 12, 13 and 14, and all Benches constituted under Section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches; and (2) To Sub-divisional Magistrate.-Every Magistrate (other than a Sub-Divisional Magistrate) and every Bench exercising powers in a subdivision shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate. (3) Subordination of Assistant Sessions Judges to Sessions Judge. -All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges. (4) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make, provision for the disposal of any urgent application by an Additional or Assistant or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, by the District Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application. (5) Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under Sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.