

Code of Criminal Procedure, 1898

Section 192 - Transfer of cases by Magistrates: State Amendments GUJARAT Same as that of Maharashtra

1). Note.-Chief Magistrate in the City of Ahmedabad exercises the jurisdiction of a Chief Presidency Magistrate. (Guj.Act XIX of 1961). MAHARASHTRA (1) (i) in sub-section (1), delete the words "District Magistrate or Sub-divisional Magistrate"; (ii) in sub-section (2), (a) for the words "Any District Magistrate", substitute the words "A Sessions Judge"; (b) for the words "in his district" substitute the words "in the sessions division." (Bombay Act XXIII of 1951). (iii) after sub-section (2) insert the following, namely: "(3) Any District Magistrate or Sub-divisional Magistrate may transfer any case of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him and such Magistrate may dispose of the case accordingly." (Bom. Act VIII of 1954). (2) Same as that under Section 188 of Maharashtra (2). MYSORE (1) Omit sub-section (1), (2) in sub-section (2) : (a) for the words "Any District Magistrate", substitute "A Sessions Judge" and (b) for the words "in his district", substitute the words "in the Sessions Division". (Mys. Act XIII of 1965). PUNJAB, HARYANA AND CHANDIGARH (i) In sub-section (1) for the words "Any Chief Presidency Magistrate, District Magistrate or Sub-divisional Magistrate", substitute the words "Any Chief Judicial Magistrate"; and (ii) in sub-section (2) for the words "District Magistrate", substitute the words "Chief Judicial Magistrate". (Punj. Act XXV of 1966) ; (Act 31 of 1966). RAJASTHAN Abu Area Same as that of Maharashtra (2). UNION TERRITORIES (EXCEPT CHANDIGARH) Same as that of Punjab. WEST BENGAL In its application to the State of West Bengal, in Section 192- (i) in sub-section (1), for the words "or Sub-divisional Magistrate", substitute the words, "Sub-divisional Executive Magistrate or Sub-divisional Judicial Magistrate"; (ii) for sub-section (2), substitute the following : "(2) Any District Magistrate may empower any Executive Magistrate of the first class who has taken cognizance of any case to transfer the same for inquiry to any other specified Executive Magistrate within the district, who is competent under this Code to hold such inquiry" ; and (iii) after sub-section (2) insert the following as sub-section (3), namely : "(3) Any Chief Presidency Magistrate or Sessions Judge may empower a Presidency Magistrate or any Judicial Magistrate of the first class, as the case may be, subordinate to him, who has taken cognizance of any case to transfer the same to any other Presidency Magistrate or Judicial Magistrate, as the case may be, who is competent under this Code to try the accused or commit him for trial, and such Presidency Magistrate or Judicial Magistrate may dispose of the case accordingly." (W. B. Act VIII of 1970). Notes The Additional Sessions Judge is also an Additional District Magistrate and when officer or authority has two capacities and an order is made by such officer or authority it will be valid if it is referable of either to the capacities of the officer or the authority concerned. (1962) 2 An W R 324. The transferee Magistrate is in full seisin of the entire case and has jurisdiction to issue process against those persons who are not named as accused in the original order. 24 Cut L T 155 = I L R 1958 Cut 74. In absence of any indication that the A. D. M. while transferring complaint to another First Class Magistrate did apply his mind to it, it cannot be said that the A. D. M. had taken cognizance of the case. 1959 Cr L J 148 = A I R 1959 Ass 231. (1) Any Chief Presidency Magistrate; District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial, to any Magistrate subordinate to him. (2) Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his district who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.