



The Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1977

Act 18 of 1977

Keyword(s):

Central Act Amendment, The Code of Criminal Procedure, 1973

Amendments appended: 1 of 1984, 18 of 1991, 17 of 1992, 36 of 2000

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THE CODE OF CRIMINAL PROCEDURE (UTTAR PRADESH AMENDMENT) ACT, 1977

[U. P. ACT NO. 18 OF 1977]

[* Authoritative English Text of the Dand Prakriya Sanhita (Uttar Pradesh Sanshodhan) Adhiniyam, 1977]

AN ACT

further to amend the Code of Criminal Procedure, 1973 in its application to Uttar Pradesh

IT IS HEREBY enacted in the Twenty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1977. Short title and extent.

(2) It shall extend to the whole of Uttar Pradesh.

2. After section 167 of the Code of Criminal Procedure, 1973, as amended in its application to Uttar Pradesh, the following section shall be inserted, namely :- Insertion of new section 167-A in Act no. 2 of 1974.

“167-A. For the avoidance of doubts, it is hereby declared that the provisions of section 167 shall, so far as may be, apply also in relation to any person arrested by, or under any order or direction of, a Magistrate, whether executive or judicial.”

Procedure on arrest by Magistrate.

*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette, Extraordinary, dated September 6, 1977).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 7, 1977 and by the Uttar Pradesh Legislative Council on September 21, 1977).

(Received the assent of the President on November 2, 1977 under Article 201 of the Constitution of India and was published in Part (i) (a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated November 5, 1977).

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PRICE 10 PAI

Dated Lucknow, January 21, 1984

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Dand Prakriya Sanhita (Uttar Pradesh Sanshodhan) Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 1 of 1984) as passed by the Uttar Pradesh Legislature and assented to by the President on January 19, 1984 :

THE CODE OF CRIMINAL PROCEDURE (UTTAR PRADESH
AMENDMENT) ACT, 1983

[U. P. ACT No. 1 OF 1984]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further to amend the Code of Criminal Procedure, 1973 in its application to
Uttar Pradesh*

IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1983.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may by notification specify in that behalf and different dates may be specified for different provisions.

Short title, extent
and commencement.

Amendment of section 9 of Act no. 2 of 1974.

2. In section 9 of the Code of Criminal Procedure, 1973, hereinafter referred to as the said Code, *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 the 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.”

Amendment of section 12.

3. In section 12 of the said Code, *after* sub-section (3), the following sub-section shall be *inserted*, namely :

“(4) Where the Office of the Chief Judicial Magistrate is vacant or he is incapacitated by illness, absence or otherwise for the performance of his duties, the senior-most among the Additional Chief Judicial Magistrate and other Judicial Magistrates present at the place, and in their absence the District Magistrate and in his absence the senior-most Executive Magistrate shall dispose of the urgent work of the Chief Judicial Magistrate.”

Amendment of section 16.

4. In section 16 of the said Code, *after* sub-section (3), the following sub-section shall be *inserted*, namely :

“(4) Where the Office of the Chief Metropolitan Magistrate is vacant or he is incapacitated by illness, absence or otherwise for the performance of his duties, the senior-most among the Additional Chief Metropolitan Magistrates and other Metropolitan Magistrates present at the place, shall dispose of the urgent work of the Chief Metropolitan Magistrate.”

Amendment of section 20.

5. In section 20 of the said Code, *after* sub-section (5), the following sub-section shall be *inserted*, namely :

“(6) the State Government may delegate its powers under sub-section (4) to the District Magistrate.”

Amendment of section 26.

6. In section 26 of the said Code, *for* clause (b), the following clause shall be *substituted*, namely :

“(b) any offence under any other law may be tried :—

(i) when any court is mentioned in this behalf in such law, by such court, or by any court superior in rank to such court, and

(ii) when no court is so mentioned, by any court by which such offence is shown in the First Schedule to be triable, or by any court superior in rank to such court.”

Amendment of section 54.

7. In section 54 of the said Code, the following sentence shall be *inserted* at the end, namely :

“The registered medical practitioner shall forthwith furnish to the arrested person a copy of the report of such examination free of cost.”

Insertion of new section 54-A.

8. *After* section 54 of the said Code, the following section shall be *inserted*, namely :

“54-A. When a person is arrested on a charge of committing an offence and his test identification by any witness is considered necessary by any court having jurisdiction, it shall be lawful for an Executive Magistrate acting at the instance of such court, to hold test identification of the person arrested.”

Test identification of the accused.

Amendment of
section 81.

9. In section 81 of the said Code, in sub-section (1), the following third proviso shall be *inserted*, namely :

“Provided also that where such person is not released on bail or where he fails to give such security as aforesaid, the Chief Judicial Magistrate in the case of a non-bailable offence or any Judicial Magistrate in the case of a bailable offence may pass such orders as he thinks fit for his custody till such time as may be necessary for his removal to the court which issued the warrant.”

Amendment of
section 436.

10. In section 436 of the said Code, in sub-section (1), in the first proviso, for the word “discharge” the word “release” shall be *substituted*.

Amendment of
section 484.

11. In section 484 of the said Code, in sub-section (2), in clause (a), after the proviso, the following further proviso shall be *inserted*, namely :

“Provided further that the provisions of section 326 of this Code as amended by the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1976 shall apply also to every trial pending in a Court of Session at the commencement of this Code and also pending at the commencement of the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1983.”

Amendment of
First Schedule.

12. In the First Schedule to the said Code, in the entries relating to section 363 of the Indian Penal Code, in column 5. for the existing words, the words “Non-bailable” shall be *substituted*.

By order,
G. B. SINGH,
Sachiv.

No. 717 (2) /XVII-V—1-1 (Ka) 12-1991

Dated Lucknow, April 2, 1991

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Dand Prakriya Sanhita (Uttar Pradesh Sansodhan) Adhiniyam, 1991 (Uttar Pradesh Adhiniyam Sankhya 18 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the President on March 27, 1991.

**THE CODE OF CRIMINAL PROCEDURE (UTTAR PRADESH
AMENDMENT) ACT, 1991**

(U. P. ACT NO. 18 OF 1991)

[As passed by the U. P. Legislature]

AN
ACT

*further to amend the Code of Criminal Procedure, 1973 in its application to
Uttar Pradesh.*

IT IS HEREBY enacted in the Forty-second Year of the Republic of India
as follows :—

Short title, extent
and commencement

1. (1) This Act may be called the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1991.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on February 16, 1991.

Amendment of
section 24 of
Act no. 2 of 1974

2. In section 24 of the Code of Criminal Procedure, 1973, hereinafter referred to as the said Code :—

(a) in sub-section (1), the words "after consultation with the High Court," shall be *omitted*;

(b) sub-sections (4), (5) and (6) shall be *omitted*.

(c) in sub-section (7), the words "or sub-section (6)" shall be *omitted*.

3. In section 321 of the said Code *after* the words "in charge of a case may" the words "on the written permission of the State Government to that effect (which shall be filed in Court)", shall be *inserted*.

Amendment of
section 321

4. (1) The Code of Criminal Procedure (Uttar Pradesh Amendment) Ordinance, 1991, is hereby repealed.

Repeal and
saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Code, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Code, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
NARAYAN DAS,
Sachiv.

Dated Lucknow, July 28, 1992

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Dand Prakriya Sanhita (Uttar Pradesh Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 17 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the President on July 24, 1992.

THE CODE OF CRIMINAL PROCEDURE (UTTAR PRADESH AMENDMENT) ACT, 1992

(U. P. ACT NO. 17 OF 1992)

[As passed by the U. P. Legislature]

**AN
ACT**

further to amend the Code of Criminal Procedure, 1973 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Forty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1992.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Short title,
extent and
commencement

2. In section 357 of the Code of Criminal Procedure, 1973,—

Amendment of
section 357 of Act
no. 2 of 1974

(a) in sub-section (1), after clause (d), the following proviso shall be inserted, namely :—

“Provided that if a person who may receive compensation under clauses (b), (c) and (d) is a member of the Scheduled Castes or the Scheduled Tribes and the person sentenced is not a member of such Castes or Tribes, the Court shall order the whole or any part of the fine recovered to be applied in payment of such compensation.”

(b) for sub-section (3) the following sub-section shall be substituted, namely :—

“(3) When the Court imposes a sentence, of which fine does not form a part, the Court may, and where the person who has suffered the loss or injury is a member of the Scheduled Castes or the Scheduled Tribes and the person sentenced is not a member of such Castes or Tribes the Court shall, when passing judgement, order the person sentenced to pay, by way of compensation, such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the act for which the person has been so sentenced.”

(c) after sub-section (5), the following Explanation, shall be inserted, namely :—

“*Explanation*—For the purposes of this section the expressions “Scheduled Castes” and “Scheduled Tribes” shall have the meanings respectively assigned to them in clauses (24) and (25) of Article 366 of the Constitution.”

By order,

N. K. NARANG,

Sachiv.

Dated Lucknow, December 29, 2000

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Dand Prakriya Samhita (Uttar Pradesh Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 36 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the President on December 5, 2000 :—

THE CODE OF CRIMINAL PROCEDURE (UTTAR PRADESH
AMENDMENT) ACT, 1999

(U. P. ACT NO. 36 OF 2000)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

Further to amend the Code of Criminal Procedure, 1973 in its application to Uttar Pradesh.

It is HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1999.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. In section 125 of the Code of Criminal Procedure, 1973, hereinafter referred to as the principal Act,—

(a) in sub-section (1), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted;

Short title,
extent and
commencement

Amendment of
section 125 of
Act no. 2 of 1974

(b) after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) Where in a proceeding under this section it appears to the Magistrate that the person claiming maintenance is in need of immediate relief for his support and the necessary expenses of the proceeding, the Magistrate may, on his application, order the person against whom the maintenance is claimed, to pay to the person claiming the maintenance, during the pendency of the proceeding such monthly allowance not exceeding five thousand rupees and such expenses of the proceeding as the Magistrate consider reasonable and such order shall be enforceable as an order of maintenance.”

3. In section 127 of the principal Act, sub-section (1), in the proviso for the words “five hundred rupees” the words “five thousand rupees” shall be substituted.

Amendment of
section 127

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.