



The Tribunals of Criminal Jurisdiction Act, 1952

Act 14 of 1952

Keyword(s):

The Code, Disturbed Area, The High Court, Scheduled Offence, Tribunal

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West Bengal Act XIV of 1952¹

THE TRIBUNALS OF CRIMINAL JURISDICTION ACT, 1952.

AMENDED

West Ben. Act XVII of 1956.

[30th July, 1952.]

An Act to provide for the speedy trial of certain offences.

WHEREAS it is expedient in the interests of the security of the State, the maintenance of public peace and tranquillity and the due safeguarding of industry and business, to provide for the speedy trial of the offences specified in the Schedule;

It is hereby enacted as follows:—

1. (1) This Act may be called the Tribunals of Criminal Jurisdiction Act, 1952.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the Tribunals of Criminal Jurisdiction Ordinance, 1952, ceasing to operate.

West Ben.
Ord. I of
1952.

2. In this Act unless there is anything repugnant in the subject or context,—

Definitions.

(a) "the Code" means the Code of Criminal Procedure, 1898;

(b) "disturbed area" means an area in which in the opinion of the State Government—

(i) there was, or

(ii) there is

any extensive disturbance of the public peace and tranquillity and in respect of which area the State Government has issued a notification declaring such area to be a disturbed area. In cases falling under clause (i) the notification shall have effect during such period as may be specified therein, and in cases falling under clause (ii) the notification shall have effect from such date as may be specified in the notification until the notification is revoked;

(c) "the High Court" means the High Court in Calcutta;

(d) "scheduled offence" means any offence specified in the Schedule;

(e) "Tribunal" means a Tribunal of Criminal Jurisdiction constituted under sub-section (1) of section 3.

Act V of
1898.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 18th June, 1952, Pt. IVA, page 1274; or Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meetings of the West Bengal Legislative Assembly held on the 1st, 7th, 8th, 9th and 10th July, 1952, and for Proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 26th July, 1952.

(Sections 3-5.)

Constitution of Tribunals of criminal jurisdiction.

3. (1) The State Government shall from time to time, as it deems necessary, constitute by notification in the *Official Gazette* one or more Tribunals of criminal jurisdiction and may by like notification, abolish any such Tribunal if it deems such Tribunal to be no longer necessary.

(2) The State Government shall appoint as a Judge to preside over a Tribunal, any person who—

- (a) is or has been, or is qualified under clause (2) of article 217 of the Constitution of India for appointment as, a Judge of a High Court, or
- (b) has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge.

(3) Every Tribunal shall have jurisdiction throughout the whole of West Bengal and shall sit at such place or places as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Offences to be tried by Tribunals.

4. (1) Scheduled offences shall be triable by Tribunals only:

Provided that when trying any case, a Tribunal may also try any offence other than a scheduled offence, with which the accused may under the Code be charged at the same trial.

(2) The distribution amongst the Tribunals of cases involving scheduled offences to be tried by them shall be made by the State Government.

Procedure in trials before Tribunals.

5. ²[(1)] A Tribunal may take cognizance of scheduled offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates ²[instituted otherwise than on a police report]:

Provided that a Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice:

Provided further that for the purpose of sub-section (1) of section 356 of the Code, English shall be deemed to be the language of a Tribunal and where under the provisions of that sub-section the evidence of witnesses is taken down in the presence and hearing and under the personal direction and superintendence of the Judge presiding over a Tribunal and not by such Judge himself, the provisions of sub-section (3) of section 356 shall not apply.

¹For notification issued under sub-sections (1) and (3) of section 3 of the Act constituting—

- (a) three Tribunals of Criminal Jurisdiction and specifying their places of sitting, see Notification No. 4633J., dated 22.8.52, published in the *Calcutta Gazette, Extraordinary* of 1952, Part I, page 1536.
- (b) a Tribunal of Criminal Jurisdiction to be referred to as the Fourth Tribunal and fixing Alipore as the place of sitting, see Notification No. 2163J., dated 19.4.55, published in the *Calcutta Gazette* of 1955, Part I, page 1713.

²Section 5 was re-numbered as sub-section (1) of that section and in the said sub-section as so re-numbered the words within square brackets were inserted by s. 2(1) of the Tribunals of Criminal Jurisdiction (Amendment) Act, 1956 (West Ben. Act XVII of 1956).

XIV of 1952.]

(Sections 6-8.)

¹(2) A Tribunal trying a case under this Act may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, a scheduled offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof; and any pardon so tendered shall, for the purposes of sections 339 and 339A of the Code, be deemed to have been tendered under section 338 of the Code.

6. (1) If for any reason the services of the person appointed as a Judge to preside over a Tribunal ceases to be available, the State Government shall as often as may be necessary, appoint another person having the qualifications referred to in clause (a) or clause (b) of sub-section (2) of section 3, as a Judge to preside over such Tribunal.

Provision where services of Judge presiding over Tribunal ceases to be available.

²(2) A person appointed under sub-section (1) as a Judge to preside over a Tribunal may act on the evidence recorded by his predecessor or predecessors or partly recorded by his predecessor or predecessors and partly recorded by himself:

Provided that if the person appointed under sub-section (1) as a Judge to preside over a Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, he may resummon any such witness and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

7. A Tribunal may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted and where the Tribunal passes a sentence of death the provisions of Chapter XXVII of the Code shall apply.

Power of Tribunals to pass sentences.

8. (1) Any person convicted on a trial held by a Tribunal may appeal to the High Court.

Appeals and revision.

(2) The State Government may direct a Public Prosecutor to present an appeal to the High Court from an order of acquittal passed by a Tribunal.

(3) An appeal under this section shall lie either on a matter of fact or on a matter of law or on both.

(4) The period of limitation for an appeal under sub-section (1) shall be thirty days from the date of the sentence and for an appeal under sub-section (2) shall be thirty days from the date of the order of acquittal.

¹After section 5, re-numbered as sub-section (1) of that section, this sub-section (2) was added with retrospective effect by s. 2(2) of the Tribunals of Criminal Jurisdiction (Amendment) Act, 1956 (West Ben. Act XVII of 1956).

²This sub-section was substituted for the original sub-section by s. 3, *ibid*.

(Sections 9-13 and the Schedule.)

(5) The High Court may call for the record of the proceedings of any case tried by a Tribunal and may in respect of such case exercise any of the powers conferred on a Court of Appeal under section 423, section 426, section 427 and section 428 of the Code.

Exclusion of interference of other courts except High Court.

9. No Court excepting the High Court shall have jurisdiction to transfer any case from a Tribunal or save as otherwise provided in this Act, have jurisdiction of any kind in respect of any proceedings before a Tribunal:

Provided that no case pending before a Tribunal shall be transferred to any Court except another Tribunal.

Extent to which the Code and ordinary law shall apply.

10. The provisions of the Code or of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with, arising from, or consequent upon, a trial by a Tribunal constituted under this Act as if the Tribunal were a Court of Session exercising original criminal jurisdiction.

Indemnity.

11. No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

Repeal.

12. The West Bengal Special Courts Act, 1950, is hereby repealed.

West Ben. Act X of 1950.

Act to override other law.

13. The provisions of this Act shall have effect notwithstanding anything in this Act which may be inconsistent with the Indian Penal Code, the Code, or any other law.

Act XLV of 1860.

The Schedule.

[See section 2(d).]

1. An offence punishable under section 121, section 121A, section 122, section 123, section 124, section 125, section 126, section 127, section 128, section 129 or section 130 of the Indian Penal Code.

2. An offence punishable under section 302, section 304, section 307, section 326, section 363, section 364, section 365, section 366, section 376, section 395, section 396, section 397 or section 436 of the Indian Penal Code, if committed in a disturbed area. * * * * *

¹The words "while the notification declaring such area to be a disturbed area has effect" were omitted with retrospective effect by s. 4 of the Tribunals of Criminal Jurisdiction (Amendment) Act, 1956 (West Ben. Act XVII of 1956).

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(The Schedule.)

3. An offence punishable under section 302, section 304, section 326, section 307, section 395, section 396, section 397 or section 436 of the Indian Penal Code, if committed in course of a raid on or a riot in a factory or a mill or a workshop or a bank or in relation to transportation of property to or from a factory, mill, workshop or bank.
 4. Any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in items 1 to 3.
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