



The Orissa Gazette

EXTRAORDINARY

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CUTTACK, SATURDAY, NOVEMBER 28, 1942.

LAW DEPARTMENT.

NOTIFICATION.

The 27th November 1942.

No. 13512-L.(C).—The following Ordinance promulgated by the Governor-General is republished for general information.

By order of the Governor,
W. W. DALZIEL,
Secretary to Government.

New Delhi, 21st November 1942.

ORDINANCE No. LXI OF 1942.

AN

ORDINANCE

further to amend the Special Criminal Courts Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the Special Criminal Courts Ordinance, 1942, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the 26 Geo. 5, c. 2. Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Special Criminal Courts (Third Amendment) Ordinance, 1942.

(2) It shall come into force at once.

2. To section 5 and to section 10 of the Special Criminal Courts Ordinance, 1942 II of 1942. (hereinafter referred to as the said Ordinance), the following words shall be added, namely :—

“or as may be transferred to him for trial under the provisions of section 25A.”

3. After section 25 of the said Ordinance, the following section shall be inserted, namely :—

“ 25A. (1) The Sessions Judge of the sessions division within which is situated the area for which a Special Judge has been appointed may, at any stage of the proceedings before that Special Judge, transfer a case from him to another Special Judge within that area.

(2) The District Magistrate of the district within which a Special Magistrate's Court is situated may, at any stage of the proceedings before that Special Magistrate, transfer a case from him to another Special Magistrate within the district.

(3) Notwithstanding anything contained in the Code when a case is transferred under sub-section (1) or sub-section (2), the Special Judge or Special Magistrate to whom the case is transferred shall not be bound to re-summon or re-hear the witnesses or any of them, unless he is satisfied that such a course is necessary in the interests of justice.”

LINLITHGOW,

Viceroy and Governor-General.

Short title and commencement.

Amendment of sections 5 and 10, Ord. II of 1942.

Insertion of new section 25A in Ord. II of 1942.

Transfer of cases.