

The 2nd April 1988

**No.LJ.(B)145/87/62.**—The following Act of the Meghalaya Legislative Assembly which received the assent of the President is hereby published for general information,

MEGHALAYA ACT 4 OF 1988  
**THE CODE OF CRIMINAL PROCEDURE**  
**(MEGHALAYA AMENDMENT)**  
**ACT, 1988**

(As passed by the Assembly)

[Received the assent of the President of India on 31st March, 1988]  
 (Published in the *Gazette of Meghalaya*, Extra-ordinary,  
 dated 2nd April, 1988]

**An**

**Act**

**to amend the Code of Criminal Procedure, 1973 (Act 2 of 1974)**  
**in its application to the areas within the limits**  
**of the Municipality of Shillong.**

Be it enacted by the Legislature of Meghalaya in the thirty-ninth Year of the Republic of India as follows :—

Short title,  
 commence-  
 ment and  
 duration.

1. (1) This Act may be called the Code of Criminal Procedure (Meghalaya Amendment) Act, 1988.

(2) It shall come into force at once and shall cease to operate on the expiry of six months from the date of its commencement and Section 92 of the Meghalaya Interpretation of General Clauses Act, 1972 (Act 7 of 1972) shall apply upon such cesser of operation of this Act as if it had been repealed by an enactment.

Definitions

2. In this Act, unless the context otherwise require—

- (a) "Assistant to the Deputy Director" means the officer of the State Government appointed as such Assistant to the Deputy Commissioner under the law for the time being in force for trial of cases in the tribal areas of the State of Meghalaya.
- (b) "Code" means the Code of Criminal Procedure, 1973
- (c) "Deputy Commissioner" means the Deputy Commissioner of the District of East Khasi Hills appointed as such by the State Government.
- (d) "State Government" means the Government of the State of Meghalaya.

3. Notwithstanding anything contained in the Code during the period this Act is in force, in the areas within the local limits of the municipality of Shillong, in East Khasi Hills District, Section 167 of the Code shall have effect subject to amendments hereinafter contained.

Conferment of temporary powers on the Deputy Commissioner, East Khasi Hills,  
Amendment of Section 167 of the Code.

4. In Section 167 of the Code—

(a) in sub-section (1)

(i) for the words "nearest Judicial Magistrate" the words "Deputy Commissioner or Assistant to the Deputy Commissioner" shall be substituted.

(ii) for the words "such Magistrate" occurring at the end, the word "him" shall be substituted.

(b) in sub-section (2), for the word "Magistrate" occurring at the beginning, the words "Deputy Commissioner or Assistant to the Deputy Commissioner" and for the words "such Magistrate" occurring between the words "as" and "thinks" the word "he" shall be substituted.

(c) in the provisos (a), (b) and the explanation below proviso (c) to sub-section (2) for the word "Magistrate" wherever it occurs the words "Deputy Commissioner or Assistant to the Deputy Commissioner" shall be substituted.

(d) in the proviso (c) to sub-section (2), for the word "Magistrate" the words "Assistant to the Deputy Commissioner" shall be substituted.

(e) in sub-section (3), for the words "A Magistrate" the words "The Deputy Commissioner or Assistant to the Deputy Commissioner" shall be substituted.

(f) that for sub-section (4), the following shall be substituted, namely—

(4) Any Assistant to the Deputy Commissioner making such order shall forward a copy of his order, with his reasons for making it, to the Deputy Commissioner."

(g) in sub-section (5), for the words "a Magistrate" occurring at the beginning and "Magistrate" occurring elsewhere, the words "an Assistant to the Deputy Commissioner" and "Assistant to the Deputy Commissioner" respectively shall be substituted.

(h) in sub-section (6) for the words "Sessions Judge" the words "Deputy Commissioner" shall be substituted.

Repeal and Savings. 5. (1) The Code of Criminal Procedure (Meghalaya (Amendment) Ordinance, 1987 is hereby repealed.

(2) Notwithstanding the repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

L. JYRWA,  
Joint Secy. to the Govt. of Meghalaya,  
Law Department.