



# **The Code of Criminal Procedure (Tripura 4<sup>th</sup> Amendment) Act, 1997.**

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PART-III—Acts of Tripura Legislature.

Government of Tripura.  
Law Department

No. F. 9 (14)-LAW/LEG/97.

Dated, Agartala, the 27th December, 1997.

The following Act of the Tripura Legislative Assembly received assent of the Governor of Tripura on 30.9.97 and of President of India on 6.12.97 and is hereby published for general information.

Tripura Act No. 5 of 1997.

THE CODE OF CRIMINAL PROCEDURE  
(TRIPURA FOURTH AMENDMENT) ACT, 1997

AN  
ACT

to amend the Code of Criminal Procedure, 1973 in its application to the State of Tripura.  
Be it enacted by the Tripura Legislative Assembly in the Forty-eighth Year of the Republic of India as follows ;—

Short title,  
extent and  
Commencement.

- I. (1) This Act may be called the Code of Criminal Procedure (Tripura Fourth Amendment) Act, 1997.
- (2) It extends to the whole of Tripura.
- (3) It shall come into force on and from the date of its publication in the official Gazette.
- (4) This Act shall remain in force for three years from the date of commencement.

Provided that the State Government may, from time to time, by notification in the Official Gazette, extend the period, as aforesaid, for such period not exceeding one year at a time as may be specified in the notifications ; so, however, that the total period of such extension (after the expiry of first three years) shall not exceed two years and wherein such notification is issued, a copy thereof shall be laid, as soon as may be, before the Legislative Assembly of Tripura,

Amendment of  
Section 167.

2. In the Code of Criminal Procedure, 1973 (herein-after referred to as the Principal Act), in section 167, in its application to the State of Tripura, in paragraph (a) of the proviso to Sub-section (2)

- (a) for the words "ninety days" wherever they occur, the words "one hundred eighty days" shall be substituted;
- (b) for the words "sixty days" wherever they occur, the words "one hundred twenty days" shall be substitute;

Insertion of  
a new Section  
439A.

3. In the Principal Act, after section 439, the following section shall be inserted, namely:—

"439 A-Power to grant bail,—Notwithstanding anything contained in this code, no person—

- (a) who, being accused of or suspected of committing an offence under section 120B, 121, 121A, 122, 123, 124A, 153A, 302, 303, 304, 307, 326, 333, 364, 365, 366, 366A, 366B, 367, 368, 376, 386,

387, 392, 394, 395, 396, 397, 399, 412, 436, 449 and 450 of the Indian Penal Code, 1860 (No. 45 of 1860) and Section 25, 26, 27 and 28 of the Arms Act, 1959 (54 of 1959) and Section 3, 4, 5 and 6 of the Explosives substances Act, 1908 (Act No. VI of 1908), is arrested or appears or is brought before a Court; or

- (b) who, having any reason to believe that he may be arrested on an accusation of committing an offence as specified in clause (a) has applied to the High Court or Court of Session for a direction for his release on bail in the event of his arrest, shall be released on bail or, as the case may be directed to be released on bail except on one or more of the following grounds namely:-
- i) that the Court including the High Court or the Court of Session for reasons to be recorded in writing, is satisfied that there are reasonable grounds for believing that such person is not guilty of any offence specified in clause (a) ;
  - (ii) that such person is under the age of sixteen years or an women or a sick or infirm person ,
  - (iii) that the Court including the High Court or the Court of Session, for reasons to be recorded in writing, is satisfied that there are exceptional and sufficient grounds to release or direct the release of the accused on bail".

4. (1) The Code of Criminal Procedure (Tripura Fourth Amendment) Ordinance, 1997 is hereby repealed.

(2) Notwithstanding such repeal anything done, any order issued or passed, any action taken under the said Ordinance, shall be deemed respectively to have been done, issued, passed or taken under the corresponding provisions of this Act

B. B. SANAPATI

L. R. & Addl. Secretary, Law,  
Government of Tripura.

