

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 425/Rules/DHC

Dated: 03.07.2015

In exercise of the powers conferred by proviso to sub-section (1) of Section 18 of Code of Criminal Procedure, 1973 (No. 2 of 1974), Hon'ble the Chief Justice and Hon'ble Judges of the High Court of Delhi hereby makes the following amendments in "Delhi Petty Offences (Trial by Special Metropolitan Magistrates) Rules, 1998" :-

AMENDMENTS

I. The following shall be substituted for the existing Rule 2(3)(a)(i) :-

"2(3)(a)(i) : Section 320, Tables I and II, of the Code, excluding offences under Section 324, 325, 379, 335, 344, 354, 357, 381, 406, 407, 408, 411, 414, 418, 420, 429, 430, 451 and 494 of the Penal Code."

II. The following shall be substituted for the existing Rule 2(3)(a)(ii) :-

"2(3)(a)(ii) : Section 160 and 336 of the Indian Penal Code."

III. The following shall be substituted for the existing Rule 3 :-

"3. Qualification :- A person shall not be qualified for appointment as Special Metropolitan Magistrate unless he/she is a law graduate and

- (1) has been a District Magistrate or a Judicial Officer; or**
- (2) has for a period of not less than one year exercised the powers of Sub-Divisional Magistrate; or**
- (3) has for a period of not less than two years exercised the powers of an Executive Magistrate; or**
- (4) has held for a period of not less than five years a Group 'A' post on the Establishment of the High Court of Delhi or that of the Courts Subordinate thereto; or**
- (5) has held, for a period of not less than five years, a Group 'A' post under the department of the Government of NCT of Delhi or the Central Government or State Government (Preference will be given to those persons who have been dealing with legal affairs or have been working in the department dealing with legal affairs); and**
- (6) has not attained the age of 65 years on the date of conferment of power of Special Metropolitan Magistrate on him/her.**

Explanation :-

For the purpose of these rules a "law graduate" is a person who is eligible to be enrolled as an advocate."

IV. The following shall be substituted for the existing Rule 8(2) :-

“8(2) Every Special Metropolitan Magistrate shall be imparted 15 day’s training to familiarize himself with the working of Courts by the Sessions Judge/Chief Metropolitan Magistrate provided that the High Court may exempt any such Special Metropolitan Magistrate from training.”

NOTE: THESE AMENDMENTS SHALL COME INTO FORCE FROM THE DATE OF THEIR PUBLICATION IN THE GAZETTE.

BY ORDER OF THE COURT
Sd/-
(VINOD GOEL)
REGISTRAR GENERAL