



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ५९]

मंगळवार, ऑगस्ट ३०, २०१६/भाद्र ८, शके १९३८

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ९४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Code of Criminal Procedure (Maharashtra Amendment) Act, 2015 (Mah. Act No. XXXIII of 2016), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXXIII OF 2016.

(First published, after having received the assent of the President in the "*Maharashtra Government Gazette*", on the 30th August 2016).

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 2015.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(१)

Amendment  
of section 156  
of Act 2 of  
1974.

2. In section 156 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter referred to as “the said Code”), after sub-section (3), the following provisos shall be added, namely :—

2 of  
1974.

“ Provided that, no Magistrate shall order an investigation under this section against a person who is or was a public servant as defined under any other law for the time being in force, in respect of the act done by such public servant while acting or purporting to act in the discharge of his official duties, except with the previous sanction under section 197 of the Code of Criminal Procedure, 1973 or under any law for the time being in force :

2 of  
1974.

Provided further that, the sanctioning authority shall take a decision within a period of ninety days from the date of the receipt of the proposal for sanction and in case the sanctioning authority fails to take the decision within the said stipulated period of ninety days, the sanction shall be deemed to have been accorded by the sanctioning authority.”

Amendment  
of section 190  
of Act 2 of  
1974.

3. In section 190 of the said Code, in sub-section (1), after clause (c), following provisos shall be added, namely :—

“ Provided that, no Magistrate shall take cognizance of any offence alleged to have been committed by any person who is or was a public servant as defined under any other law for the time being in force, while acting or purporting to act in the discharge of his official duties, except with the previous sanction under section 197 of the Code of Criminal Procedure, 1973 or under any law for the time being in force :

2 of  
1974.

Provided further that, the sanctioning authority shall take a decision within a period of ninety days from the date of the receipt of the proposal for sanction and in case the sanctioning authority fails to take the decision within the said stipulated period of ninety days, the sanction shall be deemed to have been accorded by the sanctioning authority.”