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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 313]

भोपाल, बुधवार, दिनांक 10 जुलाई 2013—आषाढ़ 19, शक 1935

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 10 जुलाई, 2013

क्र. 5455-195-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, दंड प्रक्रिया संहिता (मध्यप्रदेश संशोधन) विधेयक, 2013 (क्रमांक 18 सन् 2013) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL  
NO. 18 OF 2013  
THE CODE OF CRIMINAL PROCEDURE (MADHYA PRADESH AMENDMENT) BILL, 2013

**A Bill further to amend the Code of Criminal Procedure, 1973 in its application to the State of Madhya Pradesh.**

Be it enacted by the Madhya Pradesh Legislature in the sixty-fourth year of the Republic of India as follows :-

**Short title and commencement.**

1.(1) This Act may be called the Code of Criminal Procedure (Madhya Pradesh Amendment) Act, 2013.

(2) It shall come into force on the date of its publication in the official Gazette.

**Amendment of Central Act No. 2 of 1974 in its application to the State of Madhya Pradesh.**

2. The Code of Criminal Procedure, 1973 (No. 2 of 1974) (hereinafter referred to as the principal Act), shall in its application to the State of Madhya Pradesh be amended in the manner hereinafter provided.

**Substitution of section 25A.**

3. For section 25A of the principal Act, the following section shall be substituted, namely:-

**Directorate of Prosecution.**

“25A. (1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and such other posts as it thinks fit.

(2) The post of Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and other post shall be filled in accordance with the Madhya Pradesh Public Prosecution (Gazetted) Service Recruitment Rules, 1991, as amended from time to time.

(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.

(4) Every Additional Director of Prosecution, Joint Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution and other posts specified in sub-section (2) shall be subordinate to the Director of Prosecution.

(5) Every Public Prosecutor and Additional Public Prosecutor appointed under the Madhya Pradesh Public Prosecution (Gazetted) Service Recruitment Rules, 1991, shall be subordinate to the Director of Prosecution and every Public Prosecutor and Additional Public Prosecutor appointed under sub-section (1) of Section 24 and every Special Public Prosecutor appointed under sub-section (8) of Section 24 to conduct cases in the High Court shall be subordinate to the Advocate General.

(6) Every Public Prosecutor and Additional Public Prosecutor appointed under sub-section (3) of Section 24 and every Special Public Prosecutor appointed under sub-section (8) of Section 24 to conduct cases in District Courts shall be subordinate to the District Magistrate.

(7) The powers and functions of the Director of Prosecution shall be such as the State Government may, by notification, specify.”

**STATEMENT OF OBJECTS AND REASONS**

The Code of Criminal Procedure, 1973 (No. 2 of 1974) was amended by the Code of Criminal Procedure (Amendment) Act, 2005 (No. 25 of 2005). The said amendment has come into force from 23rd June, 2006. A new Section 25A has been inserted through the said amendment according to which there may be established a Directorate of Prosecution consisting of Director of Prosecution and as many Deputy Directors of Prosecution as the State Government thinks fit. Further, according to sub-section (2) of the said Section a person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

2. After the commencement of the Code of Criminal Procedure, 1973, for the effective and independent prosecution, a Directorate of Prosecution has been established under the Home Department in the State of Madhya Pradesh in 1987, which is working effectively. Since a regular cadre of prosecuting officers in terms of sub-section (6) of section 24 of the Code of Criminal Procedure, 1973 exists in the State of Madhya Pradesh, it is considered necessary to make necessary amendments in Section 25A of the Code of Criminal Procedure in its application to the State of Madhya Pradesh so as to enable the Government to appoint the Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and other Prosecution officer in accordance with the provisions of the Madhya Pradesh Public Prosecution (Gazetted) Service Recruitment Rules, 1991.

3. Hence this Bill.

BHOPAL :

DATED THE 6th July 2013

Dr. NAROTTAM MISHRA  
Member-in-Charge.