

THE CRIMINAL LAW AMENDMENT (AMENDING) ACT, 1966

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ARRANGEMENT OF SECTIONS

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SECTIONS

1. Short title.
2. [*Repealed.*].
3. [*Repealed.*].
4. Validation and indemnity.
5. Pending cases.
6. Repeal and Saving.

# THE CRIMINAL LAW AMENDMENT (AMENDING) ACT, 1966

ACT NO. 22 OF 1966

[3rd September, 1966.]

An Act further to amend the Criminal Law Amendment Act, 1952.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follow:—

**1. Short title.**—This Act may be called the Criminal Law Amendment (Amending) Act, 1966.

**2.** [Amendment of section 8.] *Rep. by the Repealing and Amending Act, 1974 (56 of 1974), s. 2 and the First Schedule (w.e.f. 20-12-1972).*

**3.** [Insertion of new section 11.] *Rep. by s. 2 and the First Schedule, ibid. (w.e.f. 20-12-1972).*

**4. Validation and indemnity.**—No trial or other proceeding held or taken before, and no sentence passed by a court-martial or any other authority under any military, naval and air force law before the 30th day of June, 1966, shall be called in question in any court merely on the ground that the court-martial or other authority had no jurisdiction by virtue of the provisions of the principal Act, and all such trials, proceedings and sentences shall, notwithstanding any judgment or order of any court, be as valid and operative as if they had been held, taken or passed in accordance with law; and accordingly no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such trial, proceeding or sentence was not held, taken or passed in accordance with law.

**5. Pending cases.**—(1) Notwithstanding anything contained in this Act or in the principal Act as amended by this Act,—

(a) cases pending immediately before the 30th day of June, 1966, before a special Judge in which one or more persons subject to military, naval or air force law is or are charged with and tried for an offence under the principal Act together with any other person or persons not so subject, and

(b) cases pending immediately before the said date before a special Judge in which one or more persons subject to military, naval or air force law is or are alone charged with and tried for an offence under the principal Act and charges have already been framed against such person or persons,

shall be tried and disposed of by the special Judge.

(2) Where in any case pending immediately before the 30th day of June, 1966, before a special Judge, one or more persons subject to military, naval or air force law is or are alone charged with and tried for an offence under the principal Act and charges have not been framed against such person or persons before the said date, or where, on appeal or on revision against any sentence passed by a special Judge in any case in which one or more persons subject was or were alone tried, the appellate court has directed that such person or persons be retried and on such retrial charges have not been framed against such person or persons before the said date, then, in either case, the special Judge shall follow the procedure laid down in section 549 of the Code of Criminal Procedure, 1898 (5 of 1898), as if the special Judge were a Magistrate.

**6. Repeal and Saving.**—(1) The Criminal Law Amendment (Amendment) Ordinance, 1966 (7 of 1966), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act or under the principal Act as amended by this Act as if this Act had commenced on the 30th day of June, 1966.