

CHAPTER XLV - OF IRREGULAR PROCEEDINGS

529. Irregularities which do not vitiate proceedings. If any Magistrate not empowered by law to do any of the following things, namely:-

- (a) to issue a search-warrant under section 98;
- (b) to order, under section 155, the police to investigate an offence:
- (c) to hold an inquest under section 176:

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- (d) to issue process under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;
- (e) to take cognizance of an offence under section 190, sub-section (1), clause (a) or clause (b);
- (f) to transfer a case under section 192;
- (g) to tender a pardon under section 337 or section 338;
- (h) to sell property under section 524 or section 525; or
- (i) to withdraw a case and try it himself under section 528; erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

530. Irregularities which vitiate proceedings. If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely:-

- (a) attaches and sells property under section 88;
- (b) issues a search-warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department.
- (c) demands security to keep the peace;
- (d) demands security for good behaviour;
- (e) discharges a person lawfully bound to be of good behaviour:
- (f) cancels a bond to keep the peace;

- (g) makes an order under section 133, as to a local nuisance;
- (h) prohibits under section 143, the repetition or continuance of a public nuisance;
- (i) issue an order under section 144;
- (j) makes an order under Chapter XXII;
- (k) takes cognizance under section 190, sub-section (1) clause (c), of an offence;
- (l) passes a sentence, under section 349, on proceeding recorded by another Magistrate:
- (m) calls under section 435, for proceedings.
- (n) [x x x x x]
- (o) revises, under section 515, an order passed under section 514:
- (p) tries an offender;

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(q) tries an offender summarily; or

(r) decides an appeal; his proceedings shall be void:

531. Proceedings in wrong place. No finding sentence or order of any criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceedings in the course of which it was arrived at or

passed, took place in a wrong sessions divisions, district, sub-division or other local area, unless it appears

that such error has in fact occasioned a failure of justice.

532. [Omitted by Law Reforms Ordinance, 1972, item 174 w.e.f 26.12.1975].

533. Non-compliance with provisions of section 164 or 364. (1) If any Court, before which a confession or other statement of an accused person recorded or purporting to be recorded under section 164 or section

364 is tendered or has been received in evidence, finds that any of the provisions of either of such sections

have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and notwithstanding anything contained in the Evidence Act, 1872, section 91, such statement shall be admitted if the error has not injured the accused as to his defence

on the merits.

(2) The provisions of this section apply to Courts of Appeal, Reference and Revision.

534. [Omission to give information under section 447] Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Schedule.

535. Effect of omission to prepare charge. (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(2) If the court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

536. [Omitted by Law Reforms Ordinance, 1972, item 174 w.e.f 26.12.1975].

[537. Finding or sentence when reversible by reason of error or omission in charge or other proceedings. Subject to the provisions hereinbefore contained, no finding, sentence order passed by a court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account'

(a) of any error, omission or irregularity in the complaint, report by police-officer under section 173, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in

any inquiry or other proceedings under this Code, or

(b) of any error, omission or irregularity in the mode of trial, including any misjoinder of charges unless such error omission or irregularity has in fact occasioned a failure of justice.

Explanation. In determining whether any error, omission or irregularity in any proceeding under this Code

has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and

should have been raised at an earlier stage in the proceedings.]

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538. Attachment not illegal, person making same not trespasser for defect or want of form in proceedings. No attachment made under this Code shall be deemed unlawful, nor shall any person making

the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of attachment or other proceedings relating thereto.