

मध्य प्रदेश शासन
वन विभाग
मंत्रालय-भोपाल

भोपाल, दिनांक

28-5-2004

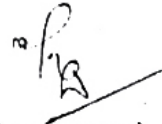
अधिसूचना

क्रमांक/नि-3-92/2001/10-1, दण्ड प्रक्रिया संहिता, 1973 (1974 का सं.2) की धारा 197 की उपधारा (3) द्वारा प्रदत्त शक्तियों के प्रयोग में लाते हुये, राज्य सरकार, यह निर्देश देती है कि उक्त धारा की उपधारा (2) के उपबंध मध्य प्रदेश, वन विभाग के उन वनरक्षकों, वनपालों और उप वनक्षेत्रपालों को लागू होंगे, जो वन संरक्षण के सम्बन्ध में लोक व्यवस्था बनाये रखने के लिये वन मण्डलों (फॉरेस्ट डिवीज़न) में पदस्थ हैं।

NOTIFICATION

92/2001/10-1, In exercise of the powers conferred by sub-section (3) of section 197 of the Code of Criminal Procedure, 1973 (No.2 of 1974), the State Government hereby directs that the provisions of sub-section (2) of the said section shall apply to the Forest Guards, Foresters and Deputy Rangers of the Madhya Pradesh Forest Department who are posted in the Forest Divisions for Maintenance of Public Order relating to forest protection.

मध्य प्रदेश के राज्यपाल के नाम से
तथा आदेशानुसार



(बी.आर.ठाकरे)

उप सचिव

मध्य प्रदेश शासन, वन विभाग

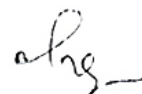
पृष्ठ क्रमांक /नि3-93/2001/10-1

भोपाल, दिनांक

28-5-2004

प्रतिलिपि:-

1. उप नियंत्रक शासन केन्द्रीय मुद्रणालय म.प्र. भोपाल की ओर राजपत्र में प्रकाशित करने तथा अधिसूचना की 100 प्रतियाँ भिजवाने हेतु।
2. सचिव, म.प्र.शासन, गृह विभाग की ओर सूचनार्थ।
3. प्रधान मुख्य वन संरक्षक म.प्र.भोपाल।
4. समस्त वन संरक्षक /वन मण्डलाधिकारी म.प्र. की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु अग्रेषित।



उप सचिव

मध्य प्रदेश शासन, वन विभाग

197. Prosecution of Judges and public servants.—(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction—

- (a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union, of the Central Government ;
- (b) in the case of a person who is employed or, as the case may be, was at time of commission of the alleged offence employed, in connection with the affairs of a State, of the State Government :

¹[Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of Article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted].

✓ (2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government.

(3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply to such class or category of the members of the Forces charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section will apply as if for the expression "Central Government" occurring therein, the expression "State Government" was substituted.

²[(3-A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of Article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(3-B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance taken by a court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991, receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of Article 356 of the Constitution was in force in the State, shall be invalid and it shall be competent

1. Added by Act 43 of 1991, Section 2 (a) (w.e.f. 2-5-1991).

2. Ins. by Act 43 of 1991 Section 2 (b) (w.e.f. 2-5-1991).