

The without the case
being committed to



**ASSIGN
BUSTER**

The following are the exceptions to the above provisions: (a) Proviso to Section 199(1) of the Code of Criminal Procedure provides that where the aggrieved person is under the age of 18 years, or is an idiot or a lunatic, or is from sickness or infirmity unable to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, some other person may, with the leave of the Court, make a complaint on his or her behalf. (b) Section 199(2) of the Code of Criminal Procedure provides that notwithstanding anything contained in the Code of Criminal Procedure, when any offence falling under Chapter XXI of the Indian Penal Code is alleged to have been committed against a person who, at the time of such commission, is the President of India, the Vice-President of India, the Governor of a State, the Administrator of a Union Territory or a Minister of the Union or of a State or of a Union Territory, or any other public servant employed in connection with the affairs of the Union or of a State, in respect of his conduct in the discharge of his public functions, a Court of Session may take cognizance of such offence, without the case being committed to it, upon a complaint in writing made by the Public Prosecutor. The primary object of the provisions contained in Section 199(2) of the Code is to enable the Government to step in to maintain confidence in the purity of administration when high dignitaries and other public servants are wrongly defamed. As per section 199(3) of the Code, every complaint referred to in sub-section (2) of the Code shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

According to Section 199(4) of the Code, no complaint under sub-section: (2) Of Section 199 of the Code shall be made by the public prosecutor except with the previous sanction,— (a) Of the State Government, in the case of a person who is or has been the Governor of that State or a Minister of that Government; (b) Of that State Government, in the case of any other public servant employed in connection with the affairs of the State; (c) Of the Central Government, in any other case. Section 199(5) of the Code provides that no Court of Session shall take cognizance of an offence under sub-section (2) of Section 199 of the Code, unless the complaint is made within six months from the date on which the offence is alleged to have been committed. According to Section 199(6) of the Code, nothing in Section 199 of the Code shall affect the right of the person against whom the offence is alleged to have been committed, to make a complaint in respect of that offence before a Magistrate having jurisdiction or the power of such Magistrate to take cognizance of the offence upon such complaint.