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The Chhattisgarh High Court (Appeal to Division Bench) Act, 2006

Act 1 of 2007

Keyword(s):

Chief Justice, Criminal Appeal, First Appeal, Full Bench, High Court

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रायपुर, दिनांक 6 जनवरी 2007

क्रमांक 332/डी-5/21-अ/प्रारूपण/06.— भारत के संविधान के अनुच्छेद 348 (3) के अनुसरण में छत्तीसगढ़ उच्च न्यायालय (खण्ड न्यायपीठ को अपील) अधिनियम, 2006 (क्र. 1 सन् 2007) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
ए. के. सामंतराय, अतिरिक्त सचिव.

CHHATTISGARH ACT
(No. 1 of 2007)

THE CHHATTISGARH HIGH COURT (APPEAL TO DIVISION BENCH) ACT, 2006.

An Act to provide for an appeal from a judgment or order passed by one Judge of the High Court in exercise of the original jurisdiction, to a Division Bench of the same High Court.

Be it enacted by the Chhattisgarh Legislature in the fifty-seventh year of the republic of India as follows :-

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| 1. | (1) This Act may be called the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006. | Short title and commencement. |
| | (2) It shall come into force from the date of its publication in the Official Gazette. | |
| 2. | (1) An appeal shall lie from a judgment or order passed by one Judge of the High Court in exercise of original Jurisdiction under Article 226 of the Constitution of India, to a Division Bench comprising of two Judges of the same High Court.

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. | Appeal to the Division Bench of the High Court from a Judgment or order of one judge of the High Court made in exercise of original jurisdiction. |
| | (2) An appeal under sub-section (1) shall be filed within 45 days from the date of order passed by a single Judge.

Provided that any appeal may be admitted after the prescribed period of 45 days, if the petitioner satisfies the Division Bench that he had sufficient cause for not preferring the appeal within such period. | |
| | Explanation :- The fact that the petitioner was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this sub-section. | |
| | (3) An appeal under sub-section (1) shall be filed, heard and decided in accordance with the procedure as may be prescribed by the High Court. | |
| 3. | (1) The High Court may, from time to time, make rules for carrying out all or any of the purpose of the Act. | Power to make rules. |
| | (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the procedure of filing, hearing and disposal of appeal under sub-section (3) of section 2. | |
| 4. | (1) The Chhattisgarh Uchha Nyayalaya (Letter Patent Appeals Samapti) Adhiniyam, 1981 (No. 29 of 1981) is hereby repealed. | Repeal and Saving. |
| | (2) Notwithstanding such repeal, anything done or any action taken under or in pursuance of the said Act and which has attained finality shall not be reopened in any court of law. | |