

THE CODE OF CRIMINAL PROCEDURE (KERALA AMENDMENT)
BILL, 2008

(As passed by the Assembly)

A

BILL

further to amend the Code of Criminal Procedure, 1973, in its application to the State of Kerala.

Preamble.—WHEREAS, it is expedient further to amend the Code of Criminal Procedure, 1973, for the purposes hereinafter appearing;

BE it enacted in the Sixtieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Kerala Amendment) Act, 2009.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of section 167.*—In sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), (hereinafter referred to as the principal Act), in the proviso,—

(a) for paragraph (b), the following paragraph shall be substituted namely:—

“(b) no Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage.”;

(b) for *Explanation II*, the following *Explanation* shall be substituted namely:—

“*Explanation II.*—If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order

authorizing detention or by the order certified by the Magistrate as to production of the accused person through the medium of electronic video linkage, as the case may be.”;

3. *Insertion of new section 267A.*—After section 267 of the principal Act, the following section shall be inserted, namely:—

“267A. *Power to secure attendance of persons confined or detained in prisons through the medium of electronic video linkage.*— In addition to and without prejudice to the powers of the Criminal Courts under this Code, the court may, in the course of any inquiry, trial or other proceeding, if it is expedient in the circumstances, order that the attendance of a person confined or detained in prison be secured through the medium of electronic video linkage.”.
