

**Code Of Criminal Procedure (Chhattisgarh Amendment) Act,
2005**

13 of 2006

[13 March 2006]

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**Code Of Criminal Procedure (Chhattisgarh Amendment) Act,
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In exercise of the powers conferred by sub-section (iii) of Section 1 of the Code of Criminal Procedure (Chhattisgarh Amendment) Act, 2005 (No. 13 of 2006) the State Government hereby appoint the 13th March, 2006 as the date on which the said Act shall come into force. An Act further to amend the Code of Criminal Procedure, 1973 in its application to the State of Chhattisgarh. Be it enacted by the Chhattisgarh Legislature in the Fifty-sixth Year of the Republic of India as follows: -- * Published in C.G. Rajpatra (Asadharan) dated 13-3-2006 Pages 166(1-2).

1. Short Title, Extent And Commencement :-

- (i) This Act may be called the Code of Criminal Procedure (Chhattisgarh Amendment) Act, 2005.
- (ii) It extends to the whole State of Chhattisgarh.
- (iii) It shall come into force on such date as the State Government may by notification appoint.

2. Short Title, Extent And Commencement :-

2 - Amendment of Central Act (No. 2 of 1974) in its application to

the State of Chhattisgarh

The Code of Criminal Procedure, 1973 (No. 2 of 1974) (hereinafter referred to as the Principal Act), shall in its application to the State of Chhattisgarh be amended in the manner hereinafter provided.

3. Amendment Of Section 167 :-

(1) In clause (b) of sub-section (2) of Section 167 of the Principal Act, for the words "any" the words "police" shall be substituted.

(2) After clause (b) of sub-section (2) of Section 167 of the Principal Act, the following new sub-clause (bb) shall be added, namely: --

"(bb) No Magistrate shall authorise detention of the accused person other than in the custody of the police under this section unless the accused is produced before him either in person or through the medium of electronic video linkage and represented by his pleader in the court."

(3) In explanation II, after words "was produced" the words "from police custody" shall be added.

(4) After explanation II, the following new explanation shall be added.--

"III. If any question arises whether an accused person was produced from otherwise than in the custody of the police in person or (as the case may be) through medium of electronic video linkage before the Magistrate as required under paragraph (bb), the production of the accused person may be proved by his or his pleaders signature on the order authorising detention,"

4. Amendment Of Section 228 :-

In sub-section (2) of Section 228 of the Principal Act, after the word "to the accused" the following shall be added, namely: --

"present in person or through the medium of electronic video linkage and being represented by his pleader in the court."

5. Amendment Of Section 240 :-

In sub-section (2) of Section 240 of the Principal Act, after the words "the accused" the following shall be added: --

"present either in person or through the medium of electronic video linkage in the presence of his pleader in the court."

6. Amendment Of Section 251 :-

In Section 251 of the Principal Act, after the words "brought before the Magistrate" the following words shall be added: --

"Or appears through the medium of electronic video linkage in the presence of his pleader in the Court."