

## **MAHARASHTRA CONTROL OF ORGANISED CRIME RULES, 1999**

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## **MAHARASHTRA CONTROL OF ORGANISED CRIME RULES, 1999**

In exercise of the powers conferred by sub-section (1) of section 29 of the Maharashtra Control of Organised Crime Act, 1999 (Mah. XXX of 1999), the Government of Maharashtra hereby makes the following Rules, namely

### **1. Short Title :-**

These rules may be called the MAHARASHTRA CONTROL OF ORGANISED CRIME RULES, 1999 .

### **2. Definition :-**

In these rules, unless the context otherwise requires, "Act" means the Maharashtra Control of Organised Crime Act, 1999 (Mah. XXX of 1999).

### **3. Procedure for recording of confession under section 18 of the Act :-**

(1) The Police Officer recording a confession under Section 18 of the Maharashtra Control of Organised Crime Act, 1999 shall record it as provided in sub-rules (2) to (7) of this rule:-

(2) When the person whose confession is to be recorded is produced before such Police officer, no Police Officer who has taken part in the investigation of the offence in connection with which the confession is being recorded, shall be allowed to remain present at the time of recording of the confession.

(3) The Police Officer recording the confession shall explain to the person making the confession that he is not bound to make such confession and that if he does no. such confession may be used as

evidence against him.

(4) After having been so explained and warranted, if such person adheres to his intention and insists on making a confession, the concerned Police Officer, who is to record the confession for reconsideration of his decision to make confession.

(5) After elapsing of the time given under sub-rule (4), when such person is again brought before such Police Officer, he shall once again ascertain from the person intending to make the confession whether he is still willing to make a confession. Upon such person reiterating the desire to make a confession, the concerned Police Officer shall record in writing the confession of such person in the same language and as narrated and as narrated by the confessor.

(6) The confession recorded under sub-rule (5) shall, if it is in writing be signed by the person who has made such confession and by the Police Officer, who has recorded the said confession. Such Police Officer shall, under his own hand, also make a memorandum at the end of the confession to the following effect:-

"I have explained to (name of the confessor) that he is not bound to make a confession and that, if he does so, any confession that he makes, may be used as evidence against him and I am satisfied that this confession has been made voluntarily. It has been made before me and in my hearing and has been recorded by me in the language in which it is made and as narrated by. the confessor. I have read it over to the confessor and he has admitted it to be verbatim and correct, and containing also full and true account of the confession/statement made by him."

(7) Where the confession has been recorded on any mechanical device, the memorandum referred to in sub- rule (6) above, insofar as it is applicable shall be incorporated in the form of a declaration made by the Police Officer recording in the confession, by recording such declaration on the mechanical device at the end of the confession to the effect that the confession recorded on the mechanical device has been correctly recorded in his presence and hearing and that the recorded statement/confession has been played back to the confessor and after hearing it, it has been admitted by him to be full, correct and without any technical faults in recording.

(8) The Police Officer recording the confession shall, after forwarding the certified copy of the confession made or retraction,

if any, there of to the Chief Magistrate or the Chief Judicial Magistrate as provided in sub-section (4) of Section 18 of the Maharashtra Control of Organised Crime Act, 1999 and after ascertaining that the Chief Magistrate or the Chief Judicial Magistrate has, as provided in sub-section (6) of the said section, forwarded the confession to the Special Court for taking cognisance of the offence, supply a copy of the confession recorded by him to the Investigating Officer, who is conducting investigation into the offence in connection with which, or relating to which, such confession has been made, for the purpose of investigation.