

**Code Of Criminal Procedure (Tamil Nadu Amendment) Act,
2003**

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An Act further to amend the Code of Criminal Procedure, 1973 in its application to the State of Tamil Nadu. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:- Statement of Objects and Reasons² According to sub-section (2) of Section 167 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no Magistrate shall authorise detention of an accused in any custody unless the accused is produced before him. Therefore, as per the above said provision accused persons have to be physically produced before the Magistrate by the Police for authorising the detention of the accused. It involves expenditure to Government and wastage of manpower. In order to save the money and manpower, the Government have decided to introduce the electronic Video linkage facility in the Courts and prisons and to produce the accused person detained otherwise than in custody of police before the Magistrate through such electronic video linkage. Government have decided to amend sub-section (2) of the said Section 167 for the purpose. 2. The Bill seeks to give effect to the above decision. 1. Received the assent of the President on the 17th September, 2003 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Page 137, dated 22nd September, 2003. 2. Vide T.N. Bill No. 17 of 2003.

1. Short Title And Commencement :-

(1) This Act may be called The Code of Criminal Procedure (Tamil

Nadu Amendment) Act, 2003.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

2. Amendment Of Section 167 :-

In Section 167 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),

(1) in the proviso to sub-section (2), for clause (b), the following clause shall be substituted, namely.-

"(b) no Magistrate shall authorise the detention of an accused person under this Section,-

(i) if the accused is in the custody of police, unless the accused is physically produced before him; and

(ii) if the accused is detained otherwise than in the custody of police, unless the accused is produced before him either in person or through the media of electronic video linkage".

(2) in the Explanation-II under sub-section (2), after the expression "an accused person was produced", the expression "in person or, as the case may be, through the media of electronic video linkage" shall be inserted.