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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

अधिसूचना

NOTIFICATION

नई दिल्ली, 30 दिसम्बर, 2009

New Delhi, the 30th December, 2009

का.आ. 3313(अ).—केन्द्र सरकार, दंड प्रक्रिया संहिता (संशोधन) अधिनियम, 2008 (2009 की संख्या 5) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए धारा 5, धारा 6 और 21(ख) को छोड़कर, उपर्युक्त अधिनियम के शेष प्रावधानों को एतद्वारा 31 दिसम्बर, 2009 से प्रवृत्त होने की तारीख के रूप में घोषित करती है।

S.O. 3313(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Code of Criminal Procedure (Amendment) Act, 2008 (5 of 2009), the Central Government hereby appoints the 31st day of December, 2009, as the date on which the provisions of the said Act, except Section 5, Section 6 and clause (b) of Section 21, shall come into force.

[फा. सं. 1/1/2007—न्यायिक एकक-खंड VI]

[F. No. 1/1/2007-Judl. Cell-Vol. VI]

सतीश चन्द्र श्रीवास्तव, संयुक्त सचिव

S. C. SRIVASTAVA, Jt. Secy.

Substitution
of new
section for
section 54.

Examination
of arrested
person by
medical
officer.

8. For section 54 of the principal Act, the following section shall be substituted, namely:—

“54. (1) When any person is arrested, he shall be examined by a medical officer in the service of Central or State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:

Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.

(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person.”

Insertion of
new section
55A.

Health and
safety of
arrested
person.

9. After section 55 of the principal Act, the following section shall be inserted, namely:—

“55A. It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.”

Insertion of
new section
60A.

Arrest to be
made strictly
according to
the Code.

Amendment
of section
157.

10. After section 60 of the principal Act, the following section shall be inserted, namely:—

“60A. No arrest shall be made except in accordance with the provisions of this Code or any other law for the time being in force providing for arrest.”

11. In section 157 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.”

Amendment
of section
161.

12. In section 161 of the principal Act, in sub-section (3), the following provisos shall be inserted, namely:—

“Provided that statement made under this sub-section may also be recorded by audio-video electronic means.”

Amendment
of section
164.

13. In section 164 of the principal Act, in sub-section (1), for the proviso, the following provisos shall be substituted, namely:—

“Provided that any confession or statement made under this sub-section may also be recorded by audio-video electronic means in the presence of the advocates of the person accused of an offence:

Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.”

Amendment
of section

167

14. In section 167 of the principal Act, in sub-section (2),—

(a) in the proviso,—

(i) for clause (b), the following clause 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 the 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.”;

(ii) 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 clause (b), the production of the accused person may be proved by his signature on the order authorising 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.”;

(b) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in case of a woman under eighteen years of age, the detention shall be authorised to be in the custody of a remand home or recognised social institution.”.

15. In section 172 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

Amendment
of section
172.

“(1A) The statements of witnesses recorded during the course of investigation under section 161 shall be inserted in the case diary.

“(1B) The diary referred to in sub-section (1) shall be a volume and duly paginated.”.

16. In section 173 of the principal Act,—

Amendment
of section
173.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The investigation in relation to rape of a child may be completed within three months from the date on which the information was recorded by the officer in charge of the police station.”;

(b) in sub-section (2), after clause (g), the following clause shall be inserted, namely:—

“(h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under section 376, 376A, 376B, 376C or 376D of the Indian Penal Code.”.

45 of 1860.

17. After section 195 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
195A.

“195A. A witness or any other person may file a complaint in relation to an offence under section 195A of the Indian Penal Code.”.

Procedure for
witnesses in
case of
etc.

45 of 1860.

18. In section 198 of the principal Act, in sub-section (6), for the words “fifteen years of age”, the words “eighteen years of age” shall be substituted.

Amendment
of section
198.

19. In section 242 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

Amendment
of section
242.