

ORISSA ACT 16 OF 2009

***THE CODE OF CRIMINAL PROCEDURE (ORISSA AMENDMENT)
ACT, 2009**

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AN ACT FURTHER TO AMEND THE CODE OF CRIMINAL PROCEDURE,
1973 IN ITS APPLICATION TO THE STATE OF ORISSA.

BE it enacted by the Legislature of the State of Orissa in the
Sixtieth Year of the Republic of India as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Code of Criminal Procedure (Orissa
Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 26th
February, 2009.

Amendment
of
section 167.

2. In the proviso to sub-section (2) of section 167 of the Code of
Criminal Procedure, 1973,—

2 of 1974.

(i) 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 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;”, and

(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 paragraph (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.”.

* [For the Bill, See *Orissa Gazette*, Extraordinary dated the 25th July,
2009 (No.1076) I Legis.— 23/2009]