

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of Section 167 of the Code of Criminal Procedure, 1898.**- In the Code Criminal Procedure, 1898, (V of 1898) in section 167.-

(a) In sub-section (1) after the word "diary" the words "showing entries made after arrest of the accused along with all articles or weapons recovered if any, in proof of his guilt" shall be inserted;

(b) In sub-section(2), after the word "accused" occurring in the third line the words "after considering such entries and objections filed by the accused, if any" shall be inserted; and

(c) For sub-section (4), the following sub-section shall be substituted, namely:-

"(4) The Magistrate giving such order shall forward a copy of his order with his reasons for making it alongwith true copy of the entries produced by the police officer making the investigation soon after giving such order to the Session Judge within whose jurisdiction alleged offence was committed."

**STATEMENT OF OBJECTS AND REASONS**

As per Article 9 of the Constitution no person shall be deprived of life or liberty save in accordance with law and further as per Article 10 no person who is arrested shall be detained in custody without being informed as soon as may be of the grounds for such arrest and after 18<sup>th</sup> amendment of the Constitution Article 10-A is also a fundamental right of a accused which relates

to fair trial of the accused. To check and control obtaining of frequent remand of accused by the police without reasonable cause and particularly when a accused is involved falsely by the police or without having any cogent evidence to connect the accused with alleged commission of the offence, the proposed amendment is necessary to protect life and liberty of the accused and in the interest of fair trial of the accused.

This Bill is designed to achieve the aforesaid objectives.

**Sd/-**

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