

Andhra Pradesh Control of Organised Crime Rules, 2002

ANDHRA PRADESH

India

Andhra Pradesh Control of Organised Crime Rules, 2002

Rule

ANDHRA-PRADESH-CONTROL-OF-ORGANISED-CRIME-RULES-2002 of 2002

- Published on 25 April 2002
- Commenced on 25 April 2002
- [This is the version of this document from 25 April 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Control of Organised Crime Rules, 2002Published vide Notification No.

G.O.Ms.No. 115, Home (Police-F), dated 25.4.2002Last Updated 20th August, 2019G.O.Ms.No. 115.

- In exercise of the powers conferred by sub-section (1) of Section 29 read with Sections 13, 14(10), 15(2), 18(2) to (6), of the A.P. Control of Organised Crime Act, 2001 (A.P. Act No. 42 of 2001), the Governor of Andhra Pradesh hereby makes the following rules for the Andhra Pradesh Control of Organised Crime Act, 2001.

1. Short Title.

- These rules may be called the "Andhra Pradesh Control of Organised Crime Rules, 2002."

2. Definitions.

- In these Rules, unless the context otherwise requires "the Act" means the Andhra Pradesh Control of Organised Crime Act, 2001.

3. Appointment of competent authority (Section 13 of the Act).

- Secretary/ Principal Secretary/Special Chief Secretary who are looking after matters relating to Police Administration shall be the competent authority.

4. Sub-section (10) of Section 14.

- For the purposes of receiving applications and issuing orders under Section 14 of the Act Addl. D.G.P., (CID) will be the Addl. Director General of Police in his absence the powers will be exercised by the Director General and Inspector General of Police.

5. Review Committee (Sub-section 2 of Section 15).

- For the purpose of Review Committee Secretary/Prl. Secy./Spl. Chief Secretary in Home Department not dealing with the Police subject will be the member.

6. Procedure for recording of confession (Section 18 of the Act).

(1)The Police Officer not below the rank of Superintendent of Police who is recording the confession shall record as provided in sub-rules (2) to (8) 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 to be recorded shall be allowed to remain present at the time and place of recording of such 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 so, such confession may be used as evidence against him in any proceeding or trial before a Court of law.(4)After having been so explained and warned, if such person adheres to his intention and insists on making a confession, the Police Officer who proposes to record the confession shall give not less than (24) hours of time to such person making the confession for reconsideration of his initiation to make confession.(5)After expiry of the time given under sub-rule (4), when such person is again brought before such Police Officer, he shall once again find out from the person intending to make the confession whether he still intends to make a confession. Upon such person reiterating his intention to make a confession, the Police Officer concerned shall record in writing the confession of such person in the same language and as narrated by the confessor.The confession recorded under sub-rule (5) shall, if it is in writing, be signed by the person who has made such confession or his thumb impression shall be obtained under it, and it shall be signed by 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 putting the date and time of the same:"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 the verbatim and correct and containing also full and true account of the confession/statement made by him".(6)Where the confession has been recorded on any mechanical device, the memorandum referred to in sub-rule (6) above, in so far as it is applicable, shall be incorporated in the form of a declaration made by the Police Officer recording the confession, by recording such declaration on confession recorded 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.(7)The Police Officer recording the confession shall after forwarding the original confession made or retraction, if any, thereof to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as provided in sub-section (4) of Section 18 of the Act and after ascertaining that the Chief Metropolitan Magistrate or the Chief Judicial Magistrate has forwarded the confession to the Special Court for taking cognizance 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.

7. Sub-section 2 of Section 23 of the Act.

- The Addl-Director General of Police, CID will be the authority to sanction Prosecution. In his absence the CID will process and obtain sanction from the Director General and Inspector General of Police.