

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.”.

[*Vide* Madhya Pradesh Act 2 of 2008, s. 3.]

West Bengal

In section 167 of the principal Act,—

(a) In Section 167 of sub-section (5), the following sub-section shall be substituted:—

“(5) If, in respect of—

(i) any case triable by a Magistrate as a summons case, the investigation is not concluded within a period of six months, or

(ii) any case exclusively triable by a Court of Session or a case under Chapter XVIII of the Indian Penal Code (45 of 1860), the investigation is not concluded within a period of three years, or

(iii) any case other than those mentioned in clauses (i) and (ii), the investigation is not concluded within a period of two years, from the date on which the accused was arrested or made his appearance, the Magistrate shall make an order stopping further investigation into the offence and shall discharge the accused unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interests of justice the continuation of the investigation beyond the periods mentioned in this sub-section is necessary.”;

(b) in sub-section (6), after the “words any order stopping further investigation into an offence has been made” the words “and the accused has been discharged” shall be inserted.

[*Vide* West Bengal Act 24 of 1988, s. 4.]

West Bengal

Amendment of section 167.- In the proviso to sub-section (2) of section 167 of the principal Act, for clause (b), the following clause shall be substituted:—

“(b) no Magistrate shall authorize detention under this section—

(i) in the police custody, unless the accused is produced before him in person every time till the accused is in police custody;

(ii) in the judicial custody, unless the accused is produced before him either in person or through the medium of electronic video linkage;”.

[*Vide* West Bengal Act 20 of 2004, s. 3.]

Assam

In Section 167 of the Code:—

(a) in sub-section (i) the reference to “Judicial Magistrate” shall be construed as reference also to executive Magistrate;

(b) in sub-section (2):—

(i) for the word “Magistrate” at the first two places where that word is preceded by the definite article, the words “Judicial Magistrate or the Executive Magistrate, as the case may be,” shall be substituted;

(ii) for the word “Magistrate”, at the place where that word is preceded by the indefinite article “a”, the words and brackets “Magistrate (whether Judicial or Executive)” shall be substituted;

(iii) paragraph (c) of the proviso shall be omitted;

(c) Sub-section (2A) shall be omitted:—

(d) in sub-section (4), for the words “to the Chief Judicial Magistrate,” the words “where such Magistrate is a Judicial Magistrate, to the Chief Judicial Magistrate and where such Magistrate is an Executive Magistrate to the Session Judge” shall be substituted.

[*Vide* Assam Act 3 of 1984, s. 3(3) and the Schedule.]

Delhi

In its application to the State of Delhi, in section 167, in sub-section (2):—