

Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, vacate the order made under sub-section (5) and direct further investigation to be made into the offence subject to such directions with regard to bail and other matters as he may specify.

STATE AMENDMENTS

Gujarat

In the proviso to sub-Section (2) of section 167 of the Code of Criminal Procedure, 1973, in its application to the State of Gujarat, —

(i) for paragraph (a), the following paragraph shall be substituted, namely: —

(a) the Magistrate may authorise detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this section for a total period exceeding—

(i) one hundred and twenty days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years,

(ii) sixty days, where the investigation relates to any offence;

and, on the expiry of the said period of one hundred and twenty days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail; and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;

(ii) in paragraph (b), for the words “no Magistrate shall” the words “no Magistrate shall, except for reason to be recorded in writing” shall be substituted;

(iii) the Explanation shall be numbered as Explanation II, and before Explanation II as so numbered, the following Explanation shall be inserted, namely: —

Explanation I. —For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused person shall be detained in custody so long as he does not furnish bail.

Amendment to apply to pending investigation.—The provisions of section 167 of the Code of Criminal Procedure, 1973, as amended by this Act, shall apply to every investigation pending immediately before the commencement of this Act, if the period of detention of the accused person, otherwise than in the custody of the police, authorised under that section, had not, at such commencement, exceeded sixty days.]

[Vide Gujarat Act 21 of 1976, s. 2 & 3]

Gujarat

In Section 167, in sub-section (2) : —

(1) in the proviso, for paragraph (b), the following paragraph shall be substituted, namely: —

“(b) no Magistrate shall authorise further detention in any custody under this section unless—

(i) where the accused is in the custody of police, he is produced in person before the Magistrate, and

(ii) where the accused is otherwise than in the custody of the police, he is produced before the Magistrate either in person or through the medium of electronic video linkage, in accordance with the direction of the Magistrate.”;

(2) in *Explanation II*, after the words “ whether an accused person was produced before the Magistrate”, the words “in person or, as the case may be, through the medium of electronic video linkage” shall be inserted.

[Vide Gujarat Act 31 of 2003, s. 2.]

Chhattisgarh

(1) In clause (b) of Sub-Section (2) of Section 167 of the principal Act, for the word “any” the word “police” shall be substituted.

(2) After clause (b) of sub-section (2) of Section 167 of the Principal Act, the following new sub-clause (bb) shall be added, namely:—

“(bb) No magistrate shall authorise detention of the accused person other than in the custody of the police under this section unless the accused is produced before him either in person or through the medium of electronic video linkage and represented by his pleader in the Court.”