

(i) for clause (b), substitute the following clause, namely:—

“(b) no Magistrate shall authorise detention in any custody under this section unless the accused is produced before him either in person or through the medium of electronic video linkage:

Provided that if the accused is in police custody, no Magistrate shall authorise his detention in any custody unless the accused is produced before him in person;”

(ii) for the *Explanation II* thereunder, substitute the following *Explanation*, namely:—

“*Explanation II.*- If any question arises whether an accused person was produced in person or, as the case may be, through the medium of electronic video linkage before the magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising his detention or by video recording of the proceedings, as the case may be.”.

[*Vide* Delhi Act 4 of 2004, s. 2 (w.e.f. 16-8-2004).]

## Orissa

**Amendment of section 167.**—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 authorize 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 authorizing 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* Orissa Act 16 of 2009, s. 2]

**Amendment of section 167.**— In section 167 of the Code of Criminal Procedure, 1973, in paragraph (a) of the proviso to sub-section (2),—

(i) For the words “under this paragraph” the words “under this section” shall be substituted; and

(ii) For the words “ninety days” wherever they occur, the words “ one hundred and twenty days” shall be substituted.

[*Vide* Orissa Act 11 of 1997, s. 2]

**168. Report of investigation by subordinate police officer.**—When any subordinate police officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police station.

**169. Release of accused when evidence deficient.**—If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial.

**170. Cases to be sent to Magistrate, when evidence is sufficient.**—(1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and