

(3) In explanation II, after words “was produced” the word “from police custody” shall be added.

(4) After explanation II, the following new explanation shall be added:-

“III. If any question arises whether an accused person was produced from otherwise than in the custody of the police in person or (as the case may be) through medium of electronic video linkage before the Magistrate as required under paragraph (bb), the production of the accused person may be proved by his or his pleader’s signature on the order authorising detention.”

[Vide Chhattisgarh Act 13 of 2006, sec. 3]

Union territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli and Lakshadweep

In section 167,—

(i) in sub-section (1) after the words “nearest Judicial Magistrate” the words “or, if there is no Judicial Magistrate in an island, to an Executive Magistrate functioning in that island” shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where a copy of the entries in diary is transmitted to an Executive Magistrate, reference in section 167 to a Magistrate shall be construed as references to such Executive Magistrate;”

(iii) to sub-section (3), the following proviso shall be added, namely:—

“Provided that no Executive Magistrate other than the District Magistrate or Sub-divisional Magistrate, shall unless he is specially empowered in this behalf by the State Government, authorise detention in the custody of the police.”

(iv) to sub-section (4), the following proviso shall be added, namely:—

“Provided that, where such order is made by an Executive Magistrate, the Magistrate making the order shall forward a copy of the order, with his reasons for making it, to the Executive Magistrate to whom he is immediately subordinate.”

[Vide The Code of Criminal Procedure (Amendment) Regulation, 1974 Act (1 of 1974), s. 5.]

Maharashtra

Amendment of section 167. — In Section 167 of the Code of Criminal Procedure, 1973, (2 of 1974) in its application to the State of Maharashtra,—

(a) in sub-section (2) in the proviso, for paragraph (b), the following paragraph shall be substituted, namely:—

(b) no Magistrate shall authorise detention in any custody, of the accused person under this section unless, the accused person is produced before him in person, and for any extension of custody otherwise than the extension in the police custody, the accused person may be produced either in person or through the medium of electronic video linkage.” ;

(b) in *Explanation II*, for the words “an accused person was produced”, the words “an accused person was produced in person or as the case may be, through the medium of electronic video linkage” shall be substituted.

[Vide Maharashtra Act 8 of 2005, s. 2]

Madhya Pradesh

Amendment of Section 167.—In sub-section (2) of section 167 of the principal Act,— (i) **in the proviso, for paragraph (b), the following paragraph shall be substituted, namely: —**

“(b) no magistrate shall authorise detention in any custody under this section unless the accused is produced before him in person for the first time and subsequently every time till such time the accused remains in the custody of police, but the Magistrate may extend further detention in judicial custody on production of accused either in person or through the medium of electronic video linkage;”;

(ii) for *Explanation II*, the following *Explanation* shall be substituted, namely:—

“**Explanation II.**—If any question arise 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