



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Thu., the 13th Dec., 2018/22nd Agra., 1940. [No. 37-8

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW,  
JUSTICE AND PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 13th December, 2018.

The following Act has been assented to by the Governor  
on 13th December, 2018 and is hereby published for general  
information :—

**THE CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) ACT, 2018.**

(Governor Act No. XLVIII of 2018)

[13th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic  
of India.

An Act to amend the Code of Criminal Procedure, Samvat 1989.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th of June, 2018, the Governor is pleased to enact as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment in Section 167, Act No XXIII of Samvat, 1989.*—In section 167 of the Code of Criminal Procedure Samvat, 1989 (herein after referred to as the 'principal Act'), in sub-section (2), in the proviso thereto,—

(i) for clause (b), the following clause 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”;

(ii) the following explanation shall be added namely :—

“*Explanation:*—If any question arises whether an accused person was produced before the Magistrate as required under clause (b), the production of accused person may be proved by his signatures on the order authorized 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.”

3. *Amendment in Section 342, Act No XXIII of Samvat, 1989.*—  
In Section 342 of the ‘principal Act’, after sub section (4), the following sub-section shall be added ; namely:—

“(5) The court may take help of Public Prosecutor and defence counsel in preparing relevant questions which are to be put to accused and the court may permit filing of written statement by the accused as sufficient compliance of this section.”

4. *Amendment of Section 353, Act No. XXIII of Samvat 1989.*—  
In section 353 of the ‘principal Act’, after the words “ in the presence of his pleader”, the words “ or, as the case may be, through the medium of Electronic Video Linkage when the court on its own motion or on an application so directs in the interests of justice” shall be added.

5. *Amendment of Section 360, Act No. XXIII of Samvat 1989.*—  
In section 360 of the ‘principal Act’, after sub-section (3), the following sub-sections shall be added ; namely :—

“(4) Nothing contained in sub-sections (1) to (3) shall apply when the evidence under section 353 is taken through the medium of Electronic Video Linkage.

(5) The evidence taken through the medium of Electronic Video Linkage in electronic form shall be the electronic record within the meaning of clause (t) of section 2 of the Information Technology Act, 2000 (Central Act No 21 of 2000).”

6. *Amendment of Section 364, Act No. XXIII of Samvat 1989.* —  
In section 364 of the ‘principal Act’, in sub-section (4), for the words “the examination of an accused person under section 263”, the words “the examination of an accused person either through the medium of Electronic Video Linkage or under section 263’ shall be substituted.

