

Bill No. 52 of 2023

THE CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL, 2023

By

SHRI PARVESH SAHIB SINGH, M.P.

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BILL

further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2023.

Short title
and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 267.	2. In section 267 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code), in sub-section (1), for the words “before the court” wherever they occur, the words “ before the court physically or with the permission of the court through video conferencing” shall be substituted.	2 of 1974
Amendment of section 273.	3. In section 273 of the code, for the words “shall be taken in the presence of the accused”, the words “shall be taken in the presence of the accused in normal circumstances or with the permission of the court through video conferencing” shall be substituted.	5

STATEMENT OF OBJECTS AND REASONS

The law must adapt to new advancements in science and other social trends as they occur. As a result, the Supreme Court correctly stated in the case of *Som Prakash vs. State of Delhi* that “in our technological age nothing more primitive can be conceived of than denying discoveries and nothing cruder can retard forensic efficiency than swearing by traditional oral evidence only thereby discouraging the liberal use of scientific aids to prove guilt”. Laws must be changed in order to deal with the investigators’ and judges’ excessive workloads and to more completely implement a problem-solving approach to criminal proceedings. The introduction of the idea of video conferencing in the Indian criminal justice system is one illustration of this kind of transformation.

The idea of video conferencing has been used as a tool in two different ways, first for gathering evidence in unique situations and then for bringing the undertrials before the court from the prison itself for reasons of an extension of remand or other purposes. For video conferencing to be permitted, the courts in India similarly used a purposeful interpretation.

By using the advance technologies Indian judicial system can increase its efficiency in delivering justice and giving important verdicts, in case of criminal cases courts can hold trial of dreaded gangsters through video conferencing from prison itself, so that cops don’t have to ferry them to courts. Presently it is the case that only remand hearings are conducted by video conference. Criminals find various ways to carry out crime or escape when they are brought to the court as there has been various Instances of undertrial convicts escaping which would also be reduced if all prisoners’ remand and trials were conducted by video conference. It also happens that during their presence in court for trial, criminals may threaten witnesses or plan to commit crimes with the assistance of their assistants. Video conferencing can help catch these actions.

Video conferencing is greatly required since it enhances the administration of justice by saving both the Court and undertrials’ time. The concept’s introduction will make it possible to record evidence and eliminate the risk associated with transporting high-risk inmates who are being tried in various courts across the nation. This will also make it possible to record the testimony of foreign-based experts and witnesses without having to pay the exorbitant transportation costs to get them to the trial court. Modern times’ complexity necessitates that the law be updated at the same rate as technological advancements.

Justice would undoubtedly benefit from the idea of video conferencing since it would enable judges to be as accurate as possible and comprehend the case with the aid of all video recordings. These cutting-edge techniques for connecting the prison and the court *via* video linkage will guarantee a quick trial and eliminate the difficulties of undertrials. Additionally, it

should be remembered that the Law Courts would lag behind other industries if they did not accept technological advancement in court processes.

Hence this Bill.

NEW DELHI;
January 17, 2023.

PARVESH SAHIB SINGH

ANNEXURE

EXTRACT FROM THE CODE OF CRIMINAL PROCEDURE, 1973
(2 OF 1974)

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267. (1) Whenever, in the course of an inquiry, trial or proceeding under this Code, it appears to a Criminal Court,—

Power to require attendance of prisoners.

(a) that a person confined or detained in a prison should be brought before the Court for answering to a charge of an offence, or for the purpose of any proceedings against him, or

(b) that it is necessary for the ends of justice to examine such person as a witness,

the Court may make an order requiring the officer in charge of the prison to produce such person before the Court answering to the charge or for the purpose of such proceeding or, as the case may be, for giving evidence.

(2) Where an order under sub-section (1) is made by a Magistrate of the second class, it shall not be forwarded to, or acted upon by, the officer in charge of the prison unless it is countersigned by the Chief Judicial Magistrate, to whom such Magistrate is subordinate.

(3) Every order submitted for countersigning under sub-section (2) shall be accompanied by a statement of the facts which, in the opinion of the Magistrate, render the order necessary, and the Chief Judicial Magistrate to whom it is submitted may, after considering such statement, decline to countersign the order.

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273. Except as otherwise expressly provided, all evidence taken in the course of the trial or other proceeding shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in the presence of his pleader:

Evidence to be taken in presence of accused.

Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused.

Explanation.— In this section, “accused” includes a person in relation to whom any proceeding under Chapter VIII has been commenced under this Code.

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further to amend the Code of Criminal Procedure, 1973.

(Shri Parvesh Sahib Singh, M.P.)