



सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE CODE OF CRIMINAL PROCEDURE (GUJARAT AMENDMENT) BILL, 2017.

#### GUJARAT BILL NO. 8 OF 2017.

#### A BILL

*further to amend the Code of Criminal Procedure, 1973 in its application to the State of Gujarat.*

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. This Act may be called the Code of Criminal Procedure (Gujarat Amendment) Act, 2017. Short title.

2 of 1974

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as "the principal Act"), in section 273, 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. Amendment of section 273 of 2 of 1974.

V-Ex.-8-1

8-1

Amendment of  
section 278 of 2  
of 1974.

3. In the principal Act, in section 278, 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 273 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.”.

21 of 2000.

Amendment of  
section 281 of 2  
of 1974.

4. In the principal Act, in section 281, in sub-section (6), after the words “the examination of an accused person”, the words “either through the medium of Electronic Video Linkage or” shall be inserted.

Amendment of  
section 291 of 2  
of 1974.

5. In the principal Act, in section 291, in sub-section (1), after the words “in the presence of accused”, the words “or, as the case may be through the medium of Electronic Video Linkage” shall be inserted.

Amendment of  
section 317 of 2  
of 1974.

6. In the principal Act, to section 317, the following Explanation shall be added, namely:-

“*Explanation.*- For the purpose of this section “Personal attendance of the accused” shall include his attendance through the medium of Electronic Video Linkage as provided in section 273.”.

**STATEMENT OF OBJECTS AND REASONS**

Section 273 of the Code of Criminal Procedure, 1973 provides for taking all evidence in the course of trial or other proceedings in the presence of the accused or in presence of his pleader when the presence of the accused is dispensed with and he appears by his Pleader. Also, section 278 of the Code provides for the procedure to be followed when evidence of witnesses under section 275 or section 276 of the Code is taken. Further, section 291 of the Code provides that the deposition of a Civil Surgeon or other medical witness taken and attested by a Magistrate in the presence of the accused or taken on commission under Chapter XXIII of the Code may be given in evidence in any inquiry trial or other proceedings though the deponent is not called as a witness.

The High Court of Gujarat has proposed to make use of Information and Communication Technology by the courts in matters relating to taking of evidence in the presence of the accused or his pleader in the course of trial or other proceedings and taking deposition of medical witness as referred to in the aforesaid provisions of the Code. The High Court has, therefore, recommended to the State Government to amend the relevant provisions of the said Code so as to make use of medium of electronic video linkage for taking evidences during the trial or other proceedings and taking deposition of medical witness. It is also proposed to add explanation under section 317 so as to make it clear that personal attendance of accused shall include his attendance through the medium of electronic video linkage.

Considering the proposal of the High Court of Gujarat, use of the Information and Communication Technology by courts during the course of trial or other proceedings will help in achieving reduction in pendency of cases by curtailing the delays in the courts and having speedy justice, it is found necessary to amend sections 273, 278, 281, 291 and 317 of the said Code.

This Bill seeks to amend the said Code to achieve the aforesaid object.

Dated the 15<sup>th</sup> February, 2017.

**PRADEEPSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

**K. M. LALA,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 15<sup>th</sup> February, 2017. Legislative and Parliamentary Affairs Department.