



The Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 1987

Act 46 of 1987

Keyword(s):

Bailable Offence, Charge, Cognizable Offence, Complaint, Investigation, Judicial Proceeding, Local Jurisdiction, Pleader, Police Report, Public Prosecutor

Amendments appended: 2 of 1992, 3 of 1992, 31 of 2001, 11 of 2003

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THE CODE OF CRIMINAL PROCEDURE (ANDHRA PRADESH
AMENDMENT) ACT, 1987.

ACT No. 46 OF 1987.

[26th November, 1987.]

An Act to regulate the Criminal Procedure in its application to the State of Andhra Pradesh.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth year of the Republic of India as follows:-

*Received the assent of the President on the 23rd November, 1986. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 25th July, 1986, at page 2.

State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:—

Short title
extent and
commence-
ment

1. (1) This Act may be called the Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 1987.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force at once.

2. Notwithstanding anything contained in any other law for the time being in force the offences mentioned in sections 494, 495, 496 of the Indian Penal Code shall be cognizable and non-bailable and shall be tried by a Magistrate of 1st Class.

THE CODE OF CRIMINAL PROCEDURE (ANDHRA
PRADESH AMENDMENT) ACT, 1992.

Act No. 2 of 1992.

[31 ST JAN., 1992.]

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty Second Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 1992.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. *Amendment of section 13, Act 2 of 1974.*—In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Principal Act) in Section 13, in sub-section (2) for the words “ not exceeding one year at a time ” the words “ not exceeding two years at a time ” shall be substituted and to the said sub-section the following proviso, shall be added, namely :—

“ Provided that any person who is holding the Office of Special Judicial Magistrate at the commencement of the Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 1992 and has not completed sixty five years of age shall continue to hold office for a term of two years from the date of his appointment ”.

3. *Amendment of section 18.*—In Section 18 of the Principal Act, in sub-section (2) for the words “ not exceeding one year at a time ” the words “ not exceeding two years at a time ” shall be substituted and to the said sub-section the following proviso shall be added, namely :—

“ Provided that a person who is holding the Office of Special Metropolitan Magistrate at the commencement of the Code of Criminal Pro-

*Received the assent of the President on the 23th January 1992. For Statement of Objects and Reasons Please See the *Andhra Pradesh Gazette*, Extraordinary dated the 29th August 1991 Part IV-A at Page No 3

cedure (Andhra Pradesh Amendment) Act, 1992, and has not completed sixty-five years of age shall continue to hold office for a term of two years from the date of his appointment ”.

THE CODE OF CRIMINAL PROCEDURE (ANDHRA PRADESH
SECOND AMENDMENT) ACT, 1992.

ACT NO. 3 OF 1992.

[15th Feb., 1992].

AN ACT FURTHER TO AMEND THE CODE OF CRIMINAL
PROCEDURE, 1973 IN ITS APPLICATION TO THE STATE
OF ANDHRA PRADESH.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-second Year of the Republic of India as follows :-

1. *Short title.* This Act may be called the Code of Criminal Procedure (Andhra Pradesh second Amendment) Act, 1992.

Amendment of First Schedule, Central Act 2 of 1974.—In the Code of Criminal Procedure, 1973, in the First Schedule, under the heading captioned “1-Offences under the Indian Penal Code”.—

(i) against the entry relating to section 354 in column 3 for the expression “imprisonment for 2 years, or fine, or both”, the expression, “imprisonment for 7 years and fine” and in column 5 for the word “Bailable”, the words “ Non-bailable ”, and in column 6 for the words “Any Magistrate”, the words “ court of session ”, shall respectively be substituted ;

(in) against the entries relating to Section 355 in column 3 for the words “ Ditto ” the expression “ imprisonment for 2 years, or fine or both and in column 5 for the word “ Ditto ”, the word “ Bailable ” and in column 6 for the word “ Ditto ”, the words “ Any Magistrate shall respectively be substituted ;

* Received the assent of the Governor on 24th April 1992 For Statement of Objects and Reasons Please See the *Andhra Pradesh Gazette*, Part IV A, Extraordinary dated 20th March 1992 at Page No 17.

(iii) against the entries relating to Section 494 in column 4 for the word " Ditto ", the word " Cognizable " and in column 5 for the word "Bailable", the words " Non-bailable " shall respectively be substituted ;

(iv) against the entries relating to Section 495 in column 4 for the word " Ditto ", the word " Cognizable " and in column 5 for the word "Ditto" the words " Non-bailable " shall respectively be substituted;

(v) against the entries relating to Section 496 in column 4 for the word " Ditto ", the word " Cognizable ", and in column 5 for the word " Ditto ", the words " Non-bailable ", shall respectively be substituted;

(vi) against the entries relating to Section 497 in column 4 for the word " Ditto " the words " Non-cognizable " and in column 5 for the word " Ditto ", the word " Bailable " shall respectively be substituted.

3. The Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 1987 *Repeal of Act 46 of 1987* is hereby repealed.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 24th March, 2001 for the consideration and assent of the President received the assent of the President on the 28th June 2001 and the said assent is hereby first published on the 12th July, 2001 in the Andhra Pradesh Gazette, for general information:-

ACT No.31 OF 2001

AN ACT FURTHER TO AMEND THE CODE OF CRIMINAL PROCEDURE, 1973 IN ITS APPLICATION TO THE STATE OF ANDHRA PRADESH.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1. (1) This Act may be called The Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 2001. Short title and commencement

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect on and from the 6th December, 2000.

2. In the Code of Criminal Procedure, 1973, in section 167 in its application to the State of Andhra Pradesh, in sub-section (2):- Amendment of section 167. Central Act 2 of 1974.

(i) to clause (b), the following shall be added at the end, namely:-

"either in person or through the medium of electronic video-linkage".

(ii) in the Explanation II thereunder, 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.

Repeal of Ordinance 14 of 2000. 3. The Code of Criminal Procedure (Andhra Pradesh Amendment) Ordinance, 2000 is hereby repealed.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

Under the provisions of sub-section (2) to section 167 of the Code of Criminal Procedure, 1973 an accused person, before he is released on bail under the said provisions, has to be produced once in every fifteen days before the Magistrate having the jurisdiction for authorising the detention of the accused person in custody.

2. The services of the most of the Policemen are utilised for escorting the accused persons from various Central Jails, District Jails in the State to the respective Courts and back, In spite of deploying the maximum number of Policemen for the purpose, due to substantial increase day by day in the number of accused persons required to be produced before the Courts, many prisoners remain in the Jails unproduced before the Courts and it is also causing much inconvenience and dislocation of work in the routine administration of the police Department.

3. Therefore, it has been decided that production of accused persons, other than those against whom evidence is being recorded, through the medium of electronic video linkage before the respective Magistrates for the purposes of remand extension would be an effective alternative in solving the incessant problem.

4. To achieve the above object in view, the Government have decided to amend the Code of Criminal Procedure, 1973 in its application to the State of Andhra Pradesh, suitably.

5. As the Legislative Assembly of the State was not then in session, having been prorogued and, as it has been felt necessary

to give effect to the above decision immediately, after obtaining the previous instructions from the President of India as required under Article 213 (1) of the Constitution of India, the Code of Criminal procedure (Andhra Pradesh Amendment) Ordinance, 2000 (Andhra Pradesh Ordinance No.14 of 2000) has been promulgated by the Governor and the same has been published in the Andhra Pradesh Gazette on the 6th December, 2000.

6. This bill seeks to replace the said Ordinance.

T. DEVENDER GOUD,
Minister for Home, Jails,
Cinematography, Fire Services,
F.D.C., N.C.C. and Sainik Welfare.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 23rd April, 2003 for the consideration and assent of the President received the assent of the President on the July, 1st 2003 and the said assent is hereby first published on the July, 9th 2003 in the Andhra Pradesh Gazette for general information:-

ACT No. 11 OF 2003.

**AN ACT FURTHER TO AMEND THE CODE OF
CRIMINAL PROCEDURE, 1973 IN ITS
APPLICATION TO THE STATE OF ANDHRA
PRADESH.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of Republic of India as follows:-

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Code of Criminal Procedure (Andhra Pradesh Amendment) Act, 2003.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

Amendment
of section
320.

Central Act
2 of 1974.

2. In the code of criminal Procedure, 1973, in section 320, in sub-section (2), in the Table and in the column thereof; after item,--

"marrying again during the lifetime of a husband or wife.	494. The husband or wife of the person so marrying."
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the following item and entries relating thereto shall be inserted, namely:-

<p>"Husband or relative of Husband of a woman subjecting her to cruelty.</p>	<p>498-A The women subjec- ted to cruelty : Provided that a minimum period of three months shall elapse from the date of request or application for compromise before a Court and the Court can accept a request for compounding an offence under sec- tion 498-A of the Indian Penal Code, 1860, provided none of the parties withdraw the case in the intervening period."</p>
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K.G. SHANKAR,
 Secretary to Government,
 Legislative Affairs & Justice (FAC),
 Law Department.

STATEMENT OF OBJECTS AND REASONS

The Chairperson, Andhra Pradesh Women's Commission, has requested to enhance the maximum amount of maintenance provided under sections 125 and 127 of the Code of Criminal Procedure, 1973 from Rs. 500/- to Rs. 3,000/- as the salaries, wages and cost of living of the people have increased and also suggested an amendment to section 320 of the Code of Criminal Procedure, 1973 by including section 498-A of the Indian Penal Code, 1860 in the Table in section 320 of the Code of Criminal Procedure, 1973 in order to sustain the compromise arrived at by the parties compounding the offence.

On a careful examination of the proposal, the Government have decided to amend the sections 125, 127 and 320 of the Code of Criminal Procedure, 1973 in its application to the State of Andhra Pradesh by enhancing the maximum limit of maintenance payable to the wife or children or parents from Rs. 500/- to Rs. 3,000/- and also to amend the section 320 of the said Code, suitably.

This Bill seeks to give effect to the above decisions.

P. CHANDRASEKHAR,
Minister for Law and Courts.