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NOTIFICATION

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1990

NO. 1 OF 1990

Promulgated by the President in the Forty-first of the Republic of India.

An Ordinance further to amend the Code of Criminal Procedure, 1973.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (i) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1990. Short title and commencement

(2) It shall come into force at once.

Insertion of new sections 166A and 166B.

2. In the Code of Criminal Procedure, 1973, in Chapter XII, after section 166, the following sections shall be inserted, namely :— 2 of 1974.

Letter of request to competent authority for investigation in a country or place outside India.

“166A. (1) If, in the course of an investigation into an offence, the investigating officer or an Officer superior in rank to the investigating officer, has reason to believe that evidence may be available in the country or place outside India, he may issue a letter of request—

(i) to the authority competent, to investigate such offence in that country or place, to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to reduce into writing any statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case; or

(ii) to the authority competent, to direct such an investigation in that country or place, to cause it to be made in like manner,

and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the officer issuing such letter of request.

(2) Notwithstanding anything contained in sub-section (1), if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court or an authority in that country or place competent to examine orally any person supposed to be acquainted with the facts and circumstances of the case and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(3) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(4) Every statement recorded or document or thing received under sub-section (1) or sub-section (2) shall be deemed to be the evidence collected during the course of investigation under this Chapter.

Letter of request from a country or place outside India to a Court or authority for investigation in India.

166B. (1) Upon receipt of a letter of request from a Court or authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit,—

(i) forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan Magistrate or Judicial Magistrate as he may appoint in this behalf who shall thereupon summon the person before him and record his statement or cause the document or thing to be produced; or

(ii) send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner,

as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or Police officer, as the case may be, to the Central Government for transmission to the Court or the authority issuing the letter of request, in such manner as the Central Government may deem fit".

R.VENKATARAMAN,
President,

V.S. RAMA DEVI,
Secy. to the Govt. of India.