

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
[ACT, 1988

No. 32 of 1988

[25th May, 1988.]

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

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1988.

Short title.

2 of 1974.

2. In section 105 of the Code of Criminal Procedure, 1973,—

Amendment of section 105.

(a) in sub-section (1), for the portion beginning with the words "issued by it" and ending with the words "in the said territories", the following shall be substituted, namely:—

"issued by it shall be served or executed at any place,—

(i) within the local jurisdiction of a Court in any State or area in India outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that Court to be served or executed; and where any summons referred to in clause (a) or clause (c) has been so served, the provisions of section 68 shall apply in relation to such summons as if the presiding officer of the Court to whom it is sent were a Magistrate in the said territories;

(ii) in any country or place outside India in respect of which arrangements have been made by the Central Government with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and sent to such authority for transmission, as the Central Government may, by notification, specify in this behalf";

(b) in sub-section (2),—

(i) for the words "issued by a Court in any State or area in India outside the said territories, it shall cause the same to be served or executed", the following shall be substituted, namely:—

"issued by—

(I) a Court in any State or area in India outside the said territories;

(II) a Court, Judge or Magistrate in a contracting State, it shall cause the same to be served or executed”;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that in a case where a summons or search warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search warrant through such authority as the Central Government may, by notification, specify in this behalf.”.

State title
Amendment
of
the

An Act to amend the Code of Criminal Procedure, 1973. Enacted by Parliament in the thirty-third year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1988.

2. In section 106 of the Code of Criminal Procedure, 1973—

(a) in sub-section (1), for the words “to be served or executed” the words “to be served or executed, and the following shall be substituted, namely:—

“to be served or executed, and the following shall be substituted, namely:—

(i) within the local jurisdiction of a Court in any State or area in India outside such jurisdiction, to be served or executed, and where the Court is a Court of Sessions or a District Court, to be served or executed, and where any summons or warrant is to be served or executed, the Court shall, if it is not a Court of Sessions or a District Court, refer the matter to the Court of Sessions or the District Court, as the case may be, for its consideration and orders thereon; and

(ii) in any country or place outside India in respect of which arrangements have been made by the Government of India for the service of summons or warrants or for the execution of warrants or for the transmission of such summons or warrants, to be served or executed, and where any summons or warrant is to be served or executed, the Court shall, if it is not a Court of Sessions or a District Court, refer the matter to the Government of India for its consideration and orders thereon; and

(b) in sub-section (1),

(i) for the words “to be served or executed” the words “to be served or executed, and the following shall be substituted, namely:—