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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 13th October, 2020.

L. A. BILL No. 22 OF 2020.

**A BILL FURTHER TO AMEND THE CODE OF
CRIMINAL PROCEDURE, 1973, IN ITS
APPLICATION TO THE STATE OF TELANGANA.**

Be it enacted by the Legislature of the State of Telangana in the Seventy-first Year of the Republic of India, as follows:-

1. (1) This Act may be called the Code of Criminal Procedure (Telangana Amendment) Act, 2020.

Short title,
extent and
commence-
ment.

[1]

B. 124(H)

(2) It extends to the whole of the State of Telangana.

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

**Amendment
of section
441.**

**Central Act
2 of 1974.**

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Principal Act), in section 441, in sub-section (1), after the words "as the case may be.", the following words shall be added, namely,-

"and for imposition of a fine not exceeding the amount prescribed in the surety bond, in case the surety fails to produce the accused on the date fixed by the Court in grave or serious offences."

**Amendment
of Form
No. 45 in
the Second
Schedule.**

3. In the Principal Act, in the Second Schedule, in Form No. 45, in paragraph 2, after the words "to forfeit to Government the sum of rupees", the following words shall be added, namely,-

"and I shall pay the fine imposed by the Court in case I fail to produce the accused on the date fixed by the Court."

STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court conducted a two-day State Level Judicial Officers' Conference on 19th and 20th March, 2016 at Hyderabad. One of the topics in agenda of the said Conference is "Effect of Trial Process Management in Civil and Criminal Cases". During deliberations, a suggestion was made to suitably amend the Code of Criminal Procedure, 1973 so as to impose a fine to the surety if he fails to produce the accused on the date fixed by the Court in grave offences.

The Committee of Hon'ble Judges constituted in this regard pleased to make certain suggestions and recommendations came up before the Rules Committee of Hon'ble Judges constituted under section 123 of Code of Civil Procedure, 1908 and it was resolved to amend the section 441 and Form No. 45 of Code of Criminal Procedure, 1973 and the said proposed amendments were considered and approved by the Full Court of Hon'ble Judges.

As recommended by the Hon'ble High Court, it has been decided to amend section 441 and Form No. 45 of the Code of Criminal Procedure, 1973 suitably for providing imposition of a fine to the surety if he fails to produce the accused on the date fixed by the Court in grave offences.

This Bill seeks to give effect to the above decision.

A. INDRAKARAN REDDY,
Minister for Forest & Environment,
Science & Technology, Law &
Endowments.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (3) of the Bill authorize the Government to issue notification in respect of matters specified therein and generally to carry out the purpose of the Act.

Such notification so issued or made, which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the both the Houses of the State Legislature and will be subject to any modifications made by the Legislature of the State.

The above provision of the Bill regarding delegated legislation is thus of normal type and are mainly intended to cover matters of procedure.

A. INDRAKARAN REDDY,
Minister for Forest & Environment,
Science & Technology, Law &
Endowments.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY**

The Code of Criminal Procedure (Telangana Amendment) Bill, 2020, after it is passed by both the Houses of the State Legislature may be reserved by the Governor for the consideration and assent of the President, under article 254 (2) of the Constitution of India.

A. INDRAKARAN REDDY,
Minister for Forest & Environment,
Science & Technology, Law &
Endowments.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.