

Fourteenth Kerala Legislative Assembly

Bill No. 251

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**THE CODE OF CRIMINAL PROCEDURE  
(KERALA AMENDMENT) BILL, 2020**

(Given Notice By Adv. Shanamol Osman, M.L.A.)

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(Given Notice By Adv. Shanimol Osman, M.L.A.)

**THE CODE OF CRIMINAL PROCEDURE (KERALA AMENDMENT)  
BILL, 2020**

(Given Notice By Adv. Shanimol Osman, M.L.A.)

**THE CODE OF CRIMINAL PROCEDURE KERALA  
(AMENDMENT) BILL, 2020**

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*Bill*

*further to amend the code of criminal procedure, 1973 in their application to the State of Kerala.*

*Preamble.*—WHEREAS, it is expedient to amend the Code of Criminal Procedure, 1973 for the purpose hereinafter appearing.

BE, it enacted in the Seventy First year of Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala “The Code of Criminal Procedure (Kerala Amendment) Bill, 2020”.

(2) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

“IPC” means Indian penal code, 1860

3. *Amendment to The Code of Criminal procedure, 1973.*—

(1) In Section 173, after sub-section (1A), the following shall be added, namely,—

“(1B) In relation to the offences under Sections 376, 376A, 376AB, 376D, 376DA, 376DB or 376E of the IPC; offences which have the characteristic of being heinous in nature and where educate conclusive evidence is there, the investigation shall be completed within period of Fourteen working days from the date on which the information was recorded by the officer in charge of the police station”.

(2) In Section 309, after sub-section (1), the following sub-section shall be added, namely:—

“(1A) When the charge sheet is filed under section 173(1B), the inquiry or trail shall be completed within a period of fourteen days from the date of filing of charge sheet”

(3) In Section 374, for sub-section (4), the following shall be substituted, namely:—

“(4) When an appeal has been filed against a sentence passed under Section 376B or Section 376C of the IPC, the appeal shall be disposed of within a period of six months from the date of filing of such appeal and when such appeal has been filed against a sentence passed under Sections 376, 376A, 376AB, 376DB or 376E of IPC, the appeal shall, be disposed of within a period of forty five days from the date of filings of such appeal”.

(4) In Section 377, for sub-section (4), the following shall be substituted, namely:—

“(4) When an appeal has been filed against a sentence passed under Section 376B or Section 376C of the IPC, the appeal shall be disposed of within a period of six months from the date of filing of such appeal and when such appeal has been filed against a sentence passed under Sections 376, 376A, 376AB, 376DB or 376E of IPC, the appeal shall, be disposed of within a period of forty five days from the date of filings of such appeal”.

#### STATEMENT OF OBJECTS AND REASONS

The offences against women have increased many-fold in the state of Kerala in recent years. In spite of having stringent laws to tackle offences against women, inhuman acts against hapless women and children have been on a rise. In order to effectively control the sexual offences against women, it is imperative to complete the investigation and trial within the stipulated time frame. This would act as a deterrent to the perpetrators from committing such heinous crimes against women and children by ensuring that the criminals are brought to book at the earliest. It is in this context that a Bill is introduced to expedite the investigation and trial against women within stipulated timeframe.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

ADV. SHANIMOL OSMAN.

EXTRACTS FROM THE CODE OF  
CRIMINAL PROCEDURE,  
1973

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173. (1A) The investigation in relation to rape of a child may be completed within three months from the date on which the information was recorded by the officer in charge of the police station.

\* \* \* \* \*

309. (1) In every inquiry or trial the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded:

\* \* \* \* \*

374(4) When an appeal has been filed against a sentence passed under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal.

\* \* \* \* \*

377 (4) When an appeal has been filed against a sentence passed under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal.