

(ii) In rule 76, after sub-rule (3), the following sub-rule shall be added, namely:-

“(4) Where an accused detained in hospital is not in a position to be moved and produced before the Magistrate concerned, the appropriate procedure would be for the Magistrate to proceed to the hospital, see the accused person and order an extension of the remand.

Magistrates may draw the actual conveyance charges incurred by them on such trips, from their office contingencies as provided in item 11(A) (2) of Appendix 7 to the Madras Financial Code, Volume II. Such expenditure should be classified as "Office expenses" under '21. Administration of Justice – Criminal Courts'."

(P.Dis.No.114/1963)

In the said Criminal Rules of Practice and Circular Orders, 1958, for sub-rule (1) of rule 76, the following sub-rule shall be substituted, namely:-

“76 Remands:- (1) Magistrates shall not grant remands to police custody unless they are satisfied that there is good ground for doing so and shall not accept a general statement made by the investigating or other police officer to the effect that the accused may be able to give further information. A request for remand to police custody, shall be accompanied by an affidavit, setting out briefly the prior history of the investigation and the likelihood of further clues with the police expect to derive by having the accused in custody, sworn to by the investigating or other police officer, not below the rank of a Sub-Inspector of Police. Magistrates may decide after perusal of the affidavit. Magistrates shall personally see and satisfy themselves about the accused’s being sound in mind and body before entrusting him to police custody and also at the end of the period of custody by questioning him whether he had in any way been interfered with during the period of custody. When the object of a remand is verification of the statement of an accused, he shall, whenever possible, be remanded to the charge of a Magistrate and the period of remand shall be as short as possible.

(P.Dis.No.210/1963, dated 15th April, 1963.)
