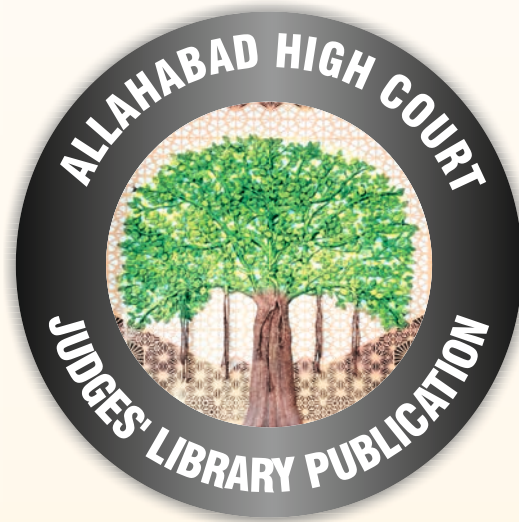


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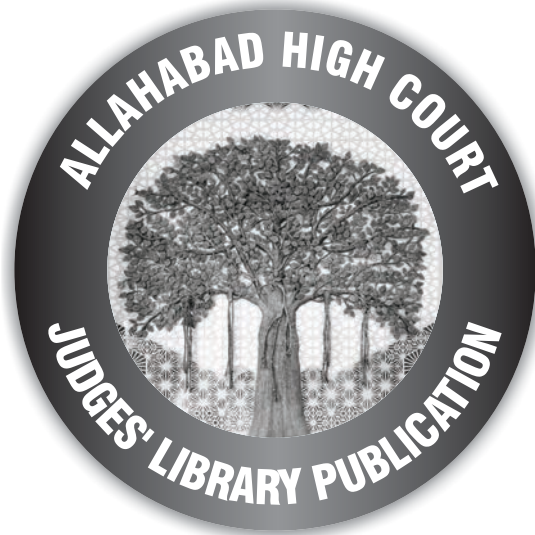
Volume - I

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Bharatiya Nagarik Suraksha Sanhita, 2023

Bharatiya Nyaya Sanhita, 2023

Bharatiya Sakshya Adhinyam, 2023



Volume - I



Arun Bhansali
Chief Justice
High Court of Judicature at Allahabad

April 15, 2024.

MESSAGE

It is heartening to learn that a Ready Reckoner on Bhartiya Sakshya Adhiniyam, 2023, Bhartiya Nyaya Sanhita Adhiniyam, 2023 and Bhartiya Nagarik Suraksha Sanhita Adhiniyam, 2023 is being published under the aegis of Judge's Library, High Court of Judicature at Allahabad. This will facilitate easy referencing between the repealed laws like the Indian Evidence Act, 1872, the Indian Penal Code, 1860 and the Code of Criminal Procedure 1973, and newly enacted legislations, enhancing clarity and understanding.

The enactment of these legislations has herald a substantial shift in India's legal framework by modernizing and simplifying the criminal laws. The reforms are set to make the laws more in tune with the Indian spirit and ethos and reflect the changing nature of crime, society and technology. Further, these would address issues in present perspective with traditional legal tenets and contemporary technological progress. The meticulous tabular presentation in this Ready Reckoner enables effortless comparison between repealed laws and the newly enacted adhiniyams, thus promoting clarity and understanding, at a glance.

I extend my sincere appreciation for the commendable endeavour undertaken by the editorial Board, consisting of Shri Brijesh Kumar Sharma, Shri Awadesh Kumar Patel and Shri Ravi Kumar Shukla, under the leadership of Bother Justice Saumitra Dayal Singh, in meticulously compiling, editing and preparing the Ready Reckoner. I am confident that this Ready Reckoner will serve as a valuable resource for members of the Bar, Bench and other stakeholders associated with the dispensation of Justice.


(Arun Bhansali)

The Chief Justice

Mr. Justice Arun Bhansali



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CONTENTS
VOLUME-I
PART-A

CODE OF CRIMINAL PROCEDURE, 1973/BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

| Sr.No. | Particular | PageNo. |
|---------------|--|----------------|
| A | Amended Provisions - Comparative Chart-I (BNSS, 2023 :CrPC, 1973) | i-x |
| B | Amended Provisions - Comparative Chart - II (CrPC, 1973 :BNSS, 2023) | xi-xx |
| C | Subject wise Index of Changed/New Provisions of BNSS, 2023 | xxi-xxx |
| D | List of Provisions added (section no. & heading) to BNS S, 2023 | xxxi-xxxii |
| E | List of Provisions omitted (section no. & heading) from BNSS, 2023 | xxxiii |
| F | Statement of Objects and Reasons of BNSS, 2023 | xxxiv-xxxv |
| G | Comparative Text of CrPC, 1973 & BNSS, 2023 (Changed/New Provisions) | 1-200 |
| H | Personal Notes | |

VOLUME-II
PART-B

THE INDIAN PENAL CODE, 1860/THE BHARATIYA NYAYA SANIDTA, 2023

| Sr.No. | Particular | PageNo. |
|---------------|---|----------------|
| I | Amended Provisions - Comparative Chart- I (BNS, 2023 :IPC, 1860) | i-x |
| J | Amended Provisions - Comparative Chart - II (IPC, 1860 :BNS, 2023) | xi-xx |
| K | Subject wise Index of Changed/New Provisions of BNS, 2023 | xxi-xxxi |
| L | List of Provisions added (section no. & heading) to BNS, 2023 | xxxii |
| M | List of Provisions omitted (section no. & heading) from BNS, 2023 | xxxiii |
| N | Statement of Objects and Reasons of BNS, 2023 | xxxiv-xxxv |
| 0 | Comparative Text of IPC, 1860 & BNS, 2023 (Changed/New Provisions) | 1-107 |
| p | Personal Notes | |

VOLUME-II
PART-C

INDIAN EVIDENCE ACT, 1872/THE BHARATIYA SAKSHYAADHINIYAM, 2023

| Sr.No. | Particular | PageNo. |
|---------------|---|----------------|
| Q | Amended Provisions - Comparative Chart- I (BSA, 2023 :IEA, 1872) | i-iv |
| R | Amended Provisions - Comparative Chart- II (IEA, 1872 :BSA, 2023) | v-viii |
| S | Subject wise Index of Changed/New Provisions of BSA, 2023 | ix-xiii |
| T | List of Provisions added (section no. & heading) to BSA, 2023 | xiv |
| U | List of Provisions omitted (section no. & heading) from BSA, 2023 | xv |
| V | Statement of Objects and Reasons of BSA, 2023 | xvi-xvii |
| W | Comparative Text of the IEA Act, 1872 & BSA, 2023 (Changed/New Provision) | 108-157 |
| X | Personal Notes | |

Amended Provisions - Comparative Chart-I

**Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) and
Code of Criminal Procedure, 1973 (2 of 1974)**

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|--|---|--|---------------|
| Sec. | Heading | Sec. | Heading | |
| 1 | Short title, extent and commencement | 1 | Short title, extent and commencement | 1 |
| 2 | Definitions | 2 | Definitions | 2 |
| 8 | Court of Session | 9 | Court of Session | 4 |
| 11 | Special Judicial Magistrates | 13 | Special Judicial Magistrates | 6 |
| 15 | Special Executive Magistrates. | 21 | Special Executive Magistrates. | 7 |
| 18 | Public Prosecutors. | 24 | Public Prosecutors. | 8 |
| 20 | Directorate of prosecution | 25A | Directorate of prosecution | 11 |
| 23 | Sentences which Magistrates may pass | 29 | Sentences which Magistrates may pass | 14 |
| 25 | Sentence in cases of conviction of several offences at one trial | 31 | Sentence in cases of conviction of several offences at one trial | 15 |
| 35 35(3) | When police may arrest without warrant | 41 41A | When police may arrest without warrant Notice of appearance before police officer | 17 |
| 36 | Procedure of arrest and duties of officer making arrest | 41B | Procedure of arrest and duties of officer making arrest | 21 |
| 40 | Arrest by private person and | 43 | Arrest by private person and | 22 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|----------------|---|----------------|---------------|
| Sec. | Heading | Sec. | Heading | |

| | | | | |
|-----------|---|------------|--|----|
| | procedure on such arrest | | procedure on such arrest | |
| 43 | Arrest how made | 46 | Arrest how made | 23 |
| 48 | Obligation of person making arrest to inform about arrest, etc., to relative or friend. | 50A | Obligation of person making arrest to inform about arrest, etc., to a nominated person | 25 |
| 50 | Power to seize offensive weapons. | 52 | Power to seize offensive weapons. | 26 |
| 51 | Examination of accused by medical practitioner at request of police officer | 53 | Examination of accused by medical practitioner at request of police officer | 26 |
| 52 | Examination of person accused of rape by medical practitioner | 53A | Examination of person accused of rape by medical practitioner | 28 |
| 53 | Examination of arrested person by medical officer | 54 | Examination of arrested person by medical officer | 29 |
| 54 | Identification of person arrested. | 54A | Identification of person arrested. | 31 |
| 58 | Person arrested not to be detained more than twenty-four hours. | 57 | Person arrested not to be detained more than twenty-four hours. | 31 |
| 63 | Form of summons | 61 | Form of summons | 32 |
| 64 | Summons how served | 62 | Summons how served | 32 |
| 65 | Service of summons on corporate bodies, firms, and societies | 63 | Service of summons on corporate bodies and societies | 33 |
| 66 | Service when persons summoned cannot be found | 64 | Service when persons summoned cannot be found | 34 |
| 70 | Proof of service in such cases and when serving officer not | 68 | Proof of service in such cases and when serving | 35 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|--|---|---|---------------|
| Sec. | Heading | Sec. | Heading | |
| | present | | officer not present | |
| 71 | Service of summons on witness by post | 69 | Service of summons on witness by post | 36 |
| 82 | Procedure on arrest of person against whom warrant issued | 80 | Procedure on arrest of person against whom warrant issued | 36 |
| 84 | Proclamation for person absconding. | 82 | Proclamation for person absconding | 37 |
| 86 | Identification and attachment of property of proclaimed person. | - | - | 39 |
| 94 | Summons to produce document or other thing | 91 | Summons to produce document or other thing | 40 |
| 105 | Recording of search and seizure through audio-video electronic means | - | - | 41 |
| 107 | Attachment, forfeiture and restoration of property | - | - | 41 |
| 112 | Letter of request to competent authority for investigation in a country or place outside India | 166A | Letter of request to competent authority for investigation in a country or place outside India. | 44 |
| 113 | Letter of request from a country or place outside India to a Court or an authority for investigation in India. | 166B | Letter of request from a country or place outside India to a Court or an authority for investigation in India | 45 |
| 127 | Security for good behaviour from persons disseminating certain matters | 108 | Security for good behaviour from persons disseminating certain matters | 46 |
| 130 | Order to be made | 111 | Order to be made | 48 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|---|---|--|---------------|
| Sec. | Heading | Sec. | Heading | |
| 145 | Procedure. | 126 | Procedure. | 48 |
| 149 | Use of armed forces to disperse assembly | 130 | Use of armed forces to disperse assembly | 49 |
| 151 | Protection against prosecution for acts done under sections 148, 149 and 150. | 132 | Protection against prosecution for acts done under preceding sections | 50 |
| 154 | Person to whom order is addressed to obey or show cause | 135 | Person to whom order is addressed to obey or show cause | 52 |
| 157 | Procedure where he appears to show cause | 138 | Procedure where he appears to show cause | 52 |
| 162 | Magistrate may prohibit repetition or continuance of public nuisance | 143 | Magistrate may prohibit repetition or continuance of public nuisance | 53 |
| 170 | Arrest to prevent commission of cognizable offences. | 151 | Arrest to prevent commission of cognizable offences. | 53 |
| 172 | Persons bound to conform to lawful directions of Police | - | - | 54 |
| 173 | Information in cognizable cases | 154 | Information in cognizable cases | 55 |
| 174 | Information as to non-cognizable cases and investigation of such cases | 155 | Information as to non-cognizable cases and investigation of such cases | 58 |
| 175 | Police officer's power to investigate cognizable case. | 156 | Police officer's power to investigate cognizable cases | 59 |
| 176 | Procedure for investigation. | 157 | Procedure for investigation | 60 |
| 179 | Police officer's power to require attendance of witnesses. | 160 | Police officer's power to require attendance of witnesses | 63 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|----------------|---|----------------|---------------|
| Sec. | Heading | Sec. | Heading | |

| | | | | |
|------------|--|-------------|---|----|
| 183 | Recording of confessions and statements. | 164 | Recording of confessions and statements | 64 |
| 184 | Medical examination of victim of rape | 164A | Medical examination of victim of rape | 68 |
| 185 | Search by police officer | 165 | Search by police officer | 70 |
| 187 | Procedure when investigation cannot be completed in twenty-four hours | 167 | Procedure when investigation cannot be completed in twenty-four hours | 72 |
| 190 | Cases to be sent to Magistrate, when evidence is sufficient | 170 | Cases to be sent to Magistrate when evidence is sufficient | 78 |
| 193 | Report of police officer on completion of investigation | 173 | Report of police officer on completion of investigation | 80 |
| 194 | Police to enquire and report on suicide, etc. | 174 | Police to enquire and report on suicide, etc. | 84 |
| 195 | Power to summon persons. | 175 | Power to summon persons | 87 |
| 201 | Place of trial in case of certain offences | 181 | Place of trial in case of certain offences | 88 |
| 202 | Offences committed by means of electronic communications, letters, etc | 182 | Offences committed by letters, etc | 89 |
| 208 | Offence committed outside India authority for investigation in India. | 188 | Offence committed outside India | 90 |
| 209 | Receipt of evidence relating to offences committed outside India. | 189 | Receipt of evidence relating to offences committed outside India. | 90 |
| 210 | Cognizance of offences by Magistrates. | 190 | Cognizance of offences by Magistrates | 91 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|--|---|---|---------------|
| Sec. | Heading | Sec. | Heading | |
| 215 | Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence. | 195 | Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence | 92 |
| 218 | Prosecution of Judges and public servants. | 197 | Prosecution of Judges and public servants | 95 |
| 219 | Prosecution for offences against marriage. | 198 | Prosecution for offences against marriage | 99 |
| 223 | Examination of complainant. | 200 | Examination of complainant | 102 |
| 227 | Issue of process. | 204 | Issue of process | 103 |
| 230 | Supply to the accused of copy of police report and other documents. | 207 | Supply to the accused of copy of police report and other documents. | 105 |
| 231 | Supply of copies of statements and documents to accused in other cases triable by Court of Session. | 208 | Supply of copies of statements and documents to accused in other cases triable by court of session. | 106 |
| 232 | Commitment of case to Court of Session when offence is triable exclusively by it. | 209 | Commitment of case to Court of Session when offence is triable exclusively by it. | 107 |
| 242 | Offences of same kind within year may be charged together. | 219 | Three offences of same kind within year may be charged together. | 109 |
| 249 | Opening case for prosecution. | 226 | Opening case for prosecution. | 110 |
| 250 | Discharge. | 227 | Discharge. | 110 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|--|---|--|---------------|
| Sec. | Heading | Sec. | Heading | |
| 251 | Framing of charge | 228 | Framing of charge. | 111 |
| 254 | Evidence for prosecution | 231 | Evidence for prosecution | 112 |
| 258 | Judgment of acquittal or conviction | 235 | Judgment of acquittal or conviction | 112 |
| 262 | When accused shall be discharged | 239 | When accused shall be discharged | 113 |
| 263 | Framing of charge | 240 | Framing of charge. | 113 |
| 265 | Evidence for prosecution | 242 | Evidence for prosecution | 114 |
| 269 | Procedure where accused is not discharged. | 246 | Procedure where accused is not discharged | 115 |
| 272 | Absence of complainant. | 249 | Absence of complainant | 117 |
| 274 | Substance of accusation to be stated | 251 | Substance of accusation to be stated | 117 |
| 283 | Power to try summarily | 260 | Power to try summarily | 117 |
| 290 | Application for plea bargaining | 265B | Application for plea bargaining | 120 |
| 293 | Disposal of the case | 265E | Disposal of the case | 122 |
| 303 | Power of State Government or Central Government to exclude certain persons from operation of section 302 | 268 | Power of State Government to exclude certain persons from operation of section 267 | 124 |
| 316 | Record of examination of accused | 281 | Record of examination of accused | 125 |
| 329 | Reports of certain Government scientific experts. | 293 | Reports of certain Government scientific experts. | 126 |
| 330 | No formal proof of certain documents | 294 | No formal proof of certain documents | 128 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|--|---|--|---------------|
| Sec. | Heading | Sec. | Heading | |
| 336 | Evidence of public servants, experts, police officers in certain cases | - | - | 129 |
| 341 | Legal aid to accused at State expense in certain cases | 304 | Legal aid to accused at State expense in certain cases | 130 |
| 343 | Tender of pardon to accomplice. | 306 | Tender of pardon to accomplice. | 131 |
| 346 | Power to postpone or adjourn proceedings. | 309 | Power to postpone or adjourn proceedings. | 133 |
| 349 | Power of Magistrate to order person to give specimen signatures or handwriting. | 311A | Power of Magistrate to order person to give specimen signatures or handwriting. | 136 |
| 355 | Provision for inquiries and trial being held in the absence of accused in certain cases. | 317 | Provision for inquiries and trial being held in the absence of accused in certain cases. | 137 |
| 356 | Inquiry, trial or judgment in absentia of proclaimed offender. | - | - | 138 |
| 357 | Procedure where accused does not understand proceedings. | 318 | Procedure where accused does not understand proceedings. | 141 |
| 359 | Compounding of offences | 320 | Compounding of offences | 141 |
| 360 | Withdrawal from prosecution | 321 | Withdrawal from prosecution | 156 |
| 366 | Court to be open | 327 | Court to be open | 158 |
| 392 | Judgment. | 353 | Judgment. | 159 |
| 396 | Victim compensation scheme. | 357A | Victim compensation scheme. | 162 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|---|---|---|---------------|
| Sec. | Heading | Sec. | Heading | |
| 397 | Treatment of victims | 357C | Treatment of victims | 164 |
| 398 | Witness Protection Scheme | - | - | 164 |
| 401 | Order to release on probation of good conduct or after admonition | 360 | Order to release on probation of good conduct or after admonition | 165 |
| 402 | Special reasons to be recorded in certain cases | 361 | Special reasons to be recorded in certain cases | 169 |
| 404 | Copy of judgment to be given to the accused and other persons | 363 | Copy of judgment to be given to the accused and other persons | 170 |
| 405 | Judgment when to be translated | 364 | Judgment when to be translated | 171 |
| 412 | Procedure in cases submitted to High Court for confirmation | 371 | Procedure in cases submitted to High Court for confirmation | 172 |
| 418 | Appeal by the State Government against sentence | 377 | Appeal by the State Government against sentence | 172 |
| 419 | Appeal in case of acquittal | 378 | Appeal in case of acquittal | 174 |
| 446 | Power of Supreme Court to transfer cases and appeals | 406 | Power of Supreme Court to transfer cases and appeals | 176 |
| 447 | Power of High Court to transfer cases and appeals | 407 | Power of High Court to transfer cases and appeals | 177 |
| 472 | Mercy Petition in death sentence cases | - | - | 180 |
| 473 | Power to suspend or remit sentences. | 432 | Power to suspend or remit sentences. | 183 |
| 474 | Power to commute sentence | 433 | Power to commute sentence | 185 |
| 477 | State Government to act | 435 | State Government to act | 186 |

| Bharatiya Nagarik Suraksha Sanhita, 2023 | | Code of Criminal Procedure, 1973 | | Pg No. |
|---|---|---|---|---------------|
| Sec. | Heading | Sec. | Heading | |
| | after concurrence with Central Government in certain cases | | after consultation with Central Government in certain cases | |
| 478 | In what cases bail to be taken | 436 | In what cases bail to be taken | 187 |
| 479 | Maximum period for which an under-trial prisoner can be detained | 436A | Maximum period for which an under-trial prisoner can be detained | 189 |
| 481 | Bail to require accused to appear before next Appellate Court | 437A | Bail to require accused to appear before next Appellate Court | 191 |
| 482 | Direction for grant of bail to person apprehending arrest | 438 | Direction for grant of bail to person apprehending arrest | 191 |
| 483 | Special powers of High Court or Court of Session regarding bail. | 439 | Special powers of High Court or Court of Session regarding bail. | 193 |
| 497 | Order for custody and disposal of property pending trial in certain cases | 451 | Order for custody and disposal of property pending trial in certain cases | 195 |
| 499 | Payment to innocent purchaser of money found on accused | 453 | Payment to innocent purchaser of money found on accused | 196 |
| 514 | Bar to taking cognizance after lapse of the period of limitation | 468 | Bar to taking cognizance after lapse of the period of limitation | 197 |
| 530 | Trial and proceedings to be held in electronic mode. | - | - | 198 |
| 531 | Repeal and savings. | 484 | Repeal and savings. | 199 |

Amended Provisions - Comparative Chart- II

**Code of Criminal Procedure, 1973 (2 of 1974) and
Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023)**

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|--|--|--|--------|
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| 9 | Court of Session | 8 | Court of Session | 4 |
| 13 | Special Judicial Magistrates | 11 | Special Judicial Magistrates | 6 |
| 21 | Special Executive Magistrates. | 15 | Special Executive Magistrates. | 7 |
| 24 | Public Prosecutors. | 18 | Public Prosecutors. | 8 |
| 25A | Directorate of prosecution | 20 | Directorate of prosecution | 11 |
| 29 | Sentences which Magistrates may pass | 23 | Sentences which Magistrates may pass | 14 |
| 31 | Sentence in cases of conviction of several offences at one trial | 25 | Sentence in cases of conviction of several offences at one trial | 15 |
| 41 41A | When police may arrest without warrant Notice of appearance before police officer | 35 35(3) | When police may arrest without warrant | 17 |
| 41B | Procedure of arrest and duties of officer making arrest | 36 | Procedure of arrest and duties of officer making arrest | 21 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|--|--|---|--------|
| Sec. | Heading | Sec. | Heading | |
| 43 | Arrest by private person and procedure on such arrest | 40 | Arrest by private person and procedure on such arrest | 22 |
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| 53 | Examination of accused by medical practitioner at request of police officer | 51 | Examination of accused by medical practitioner at request of police officer | 26 |
| 53A | Examination of person accused of rape by medical practitioner | 52 | Examination of person accused of rape by medical practitioner | 28 |
| 54 | Examination of arrested person by medical officer | 53 | Examination of arrested person by medical officer | 29 |
| 54A | Identification of person arrested. | 54 | Identification of person arrested. | 31 |
| 57 | Person arrested not to be detained more than twenty-four hours. | 58 | Person arrested not to be detained more than twenty-four hours. | 31 |
| 61 | Form of summons | 63 | Form of summons | 32 |
| 62 | Summons how served | 64 | Summons how served | 32 |
| 63 | Service of summons on corporate bodies and societies | 65 | Service of summons on corporate bodies, firms, and societies | 33 |
| 64 | Service when persons summoned cannot be found | 66 | Service when persons summoned cannot be found | 34 |
| 68 | Proof of service in such cases | 70 | Proof of service in such | 35 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|---------|--|---------|--------|
| Sec. | Heading | Sec. | Heading | |

| | | | | |
|------------|--|------------|---|----|
| | and when serving officer not present | | cases and when serving officer not present | |
| 69 | Service of summons on witness by post | 71 | Service of summons on witness by post | 36 |
| 80 | Procedure on arrest of person against whom warrant issued | 82 | Procedure on arrest of person against whom warrant issued | 36 |
| 82 | Proclamation for person absconding | 84 | Proclamation for person absconding. | 37 |
| - | - | 86 | Identification and attachment of property of proclaimed person. | 39 |
| 91 | Summons to produce document or other thing | 94 | Summons to produce document or other thing | 40 |
| 108 | Security for good behaviour from persons disseminating certain matters | 127 | Security for good behaviour from persons disseminating certain matters | 46 |
| 111 | Order to be made | 130 | Order to be made | 48 |
| - | - | 105 | Recording of search and seizure through audio-video electronic means | 41 |
| - | - | 107 | Attachment, forfeiture and restoration of property | 41 |
| 126 | Procedure. | 145 | Procedure. | 48 |
| 130 | Use of armed forces to disperse assembly | 149 | Use of armed forces to disperse assembly | 49 |
| 132 | Protection against prosecution for acts done under preceding sections | 151 | Protection against prosecution for acts done under sections 148, 149 and 150. | 50 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|--|--|--|--------|
| Sec. | Heading | Sec. | Heading | |
| 135 | Person to whom order is addressed to obey or show cause | 154 | Person to whom order is addressed to obey or show cause | 52 |
| 138 | Procedure where he appears to show cause | 157 | Procedure where he appears to show cause | 52 |
| 143 | Magistrate may prohibit repetition or continuance of public nuisance | 162 | Magistrate may prohibit repetition or continuance of public nuisance | 53 |
| 151 | Arrest to prevent commission of cognizable offences. | 170 | Arrest to prevent commission of cognizable offences. | 53 |
| - | - | 172 | Persons bound to confirm to lawful directions of Police | 54 |
| 154 | Information in cognizable cases | 173 | Information in cognizable cases | 55 |
| 155 | Information as to non-cognizable cases and investigation of such cases | 174 | Information as to non-cognizable cases and investigation of such cases | 58 |
| 156 | Police officer's power to investigate cognizable cases | 175 | Police officer's power to investigate cognizable case. | 59 |
| 157 | Procedure for investigation | 176 | Procedure for investigation. | 60 |
| 160 | Police officer's power to require attendance of witnesses | 179 | Police officer's power to require attendance of witnesses. | 63 |
| 164 | Recording of confessions and statements | 183 | Recording of confessions and statements. | 64 |
| 164 A | Medical examination of victim of rape | 184 | Medical examination of victim of rape | 68 |
| 165 | Search by police officer | 185 | Search by police officer | 70 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|---|--|--|--------|
| Sec. | Heading | Sec. | Heading | |
| 166A | Letter of request to competent authority for investigation in a country or place outside India. | 112 | Letter of request to competent authority for investigation in a country or place outside India | 44 |
| 166B | Letter of request from a country or place outside India to a Court or an authority for investigation in India | 113 | Letter of request from a country or place outside India to a Court or an authority for investigation in India. | 45 |
| 167 | Procedure when investigation cannot be completed in twenty-four hours | 187 | Procedure when investigation cannot be completed in twenty-four hours | 72 |
| 170 | Cases to be sent to Magistrate when evidence is sufficient | 190 | Cases to be sent to Magistrate, when evidence is sufficient | 78 |
| 173 | Report of police officer on completion of investigation | 193 | Report of police officer on completion of investigation | 80 |
| 174 | Police to enquire and report on suicide, etc. | 194 | Police to enquire and report on suicide, etc. | 84 |
| 175 | Power to summon persons | 195 | Power to summon persons. | 87 |
| 181 | Place of trial in case of certain offences | 201 | Place of trial in case of certain offences | 88 |
| 182 | Offences committed by letters, etc | 202 | Offences committed by means of electronic communications, letters, etc | 89 |
| 188 | Offence committed outside India | 208 | Offence committed outside India authority for investigation in India. | 90 |
| 189 | Receipt of evidence relating to offences committed outside India. | 209 | Receipt of evidence relating to offences committed outside India. | 90 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|---|--|--|--------|
| Sec. | Heading | Sec. | Heading | |
| 190 | Cognizance of offences by Magistrates | 210 | Cognizance of offences by Magistrates. | 91 |
| 195 | Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence | 215 | Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence. | 92 |
| 197 | Prosecution of Judges and public servants | 218 | Prosecution of Judges and public servants. | 95 |
| 198 | Prosecution for offences against marriage | 219 | Prosecution for offences against marriage. | 99 |
| 200 | Examination of complainant | 223 | Examination of complainant. | 102 |
| 204 | Issue of process | 227 | Issue of process. | 103 |
| 207 | Supply to the accused of copy of police report and other documents. | 230 | Supply to the accused of copy of police report and other documents. | 105 |
| 208 | Supply of copies of statements and documents to accused in other cases triable by court of session. | 231 | Supply of copies of statements and documents to accused in other cases triable by Court of Session. | 106 |
| 209 | Commitment of case to Court of Session when offence is triable exclusively by it. | 232 | Commitment of case to Court of Session when offence is triable exclusively by it. | 107 |
| 219 | Three offences of same kind within year may be charged together. | 242 | Offences of same kind within year may be charged together. | 109 |
| 226 | Opening case for prosecution. | 249 | Opening case for prosecution. | 110 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|--|--|--|--------|
| Sec. | Heading | Sec. | Heading | |
| 227 | Discharge. | 250 | Discharge. | 110 |
| 228 | Framing of charge. | 251 | Framing of charge | 111 |
| 231 | Evidence for prosecution | 254 | Evidence for prosecution | 112 |
| 235 | Judgment of acquittal or conviction | 258 | Judgment of acquittal or conviction | 112 |
| 239 | When accused shall be discharged | 262 | When accused shall be discharged | 113 |
| 240 | Framing of charge. | 263 | Framing of charge | 113 |
| 242 | Evidence for prosecution | 265 | Evidence for prosecution | 114 |
| 246 | Procedure where accused is not discharged | 269 | Procedure where accused is not discharged. | 115 |
| 249 | Absence of complainant | 272 | Absence of complainant. | 117 |
| 251 | Substance of accusation to be stated | 274 | Substance of accusation to be stated | 117 |
| 260 | Power to try summarily | 283 | Power to try summarily | 117 |
| 265B | Application for plea bargaining | 290 | Application for plea bargaining | 120 |
| 265E | Disposal of the case | 293 | Disposal of the case | 122 |
| 268 | Power of State Government to exclude certain persons from operation of section 267 | 303 | Power of State Government or Central Government to exclude certain persons from operation of section 302 | 124 |
| 281 | Record of examination of accused | 316 | Record of examination of accused | 125 |
| 293 | Reports of certain Government scientific experts. | 329 | Reports of certain Government scientific experts. | 126 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|---|--|---|--|---------------|
| Sec. | Heading | Sec. | Heading | |
| 294 | No formal proof of certain documents | 330 | No formal proof of certain documents | 128 |
| - | - | 336 | Evidence of public servants, experts, police officers in certain cases | 129 |
| 304 | Legal aid to accused at State expense in certain cases | 341 | Legal aid to accused at State expense in certain cases | 130 |
| 306 | Tender of pardon to accomplice. | 343 | Tender of pardon to accomplice. | 131 |
| 309 | Power to postpone or adjourn proceedings. | 346 | Power to postpone or adjourn proceedings. | 133 |
| 311A | Power of Magistrate to order person to give specimen signatures or handwriting. | 349 | Power of Magistrate to order person to give specimen signatures or handwriting. | 136 |
| 317 | Provision for inquiries and trial being held in the absence of accused in certain cases. | 355 | Provision for inquiries and trial being held in the absence of accused in certain cases. | 137 |
| - | - | 356 | Inquiry, trial or judgment in absentia of proclaimed offender. | 138 |
| 318 | Procedure where accused does not understand proceedings. | 357 | Procedure where accused does not understand proceedings. | 141 |
| 320 | Compounding of offences | 359 | Compounding of offences | 149 |
| 321 | Withdrawal from prosecution | 360 | Withdrawal from prosecution | 156 |
| 327 | Court to be open | 366 | Court to be open | 158 |
| 353 | Judgment. | 392 | Judgment. | 159 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|----------------------------------|---|--|---|--------|
| Sec. | Heading | Sec. | Heading | |
| 357A | Victim compensation scheme. | 396 | Victim compensation scheme. | 162 |
| 357C | Treatment of victims | 397 | Treatment of victims | 164 |
| - | - | 398 | Witness Protection Scheme | 164 |
| 360 | Order to release on probation of good conduct or after admonition | 401 | Order to release on probation of good conduct or after admonition | 165 |
| 361 | Special reasons to be recorded in certain cases | 402 | Special reasons to be recorded in certain cases | 169 |
| 363 | Copy of judgment to be given to the accused and other persons | 404 | Copy of judgment to be given to the accused and other persons | 170 |
| 364 | Judgment when to be translated | 405 | Judgment when to be translated | 171 |
| 371 | Procedure in cases submitted to High Court for confirmation | 412 | Procedure in cases submitted to High Court for confirmation | 172 |
| 377 | Appeal by the State Government against sentence | 418 | Appeal by the State Government against sentence | 172 |
| 378 | Appeal in case of acquittal | 419 | Appeal in case of acquittal | 174 |
| 406 | Power of Supreme Court to transfer cases and appeals | 446 | Power of Supreme Court to transfer cases and appeals | 176 |
| 407 | Power of High Court to transfer cases and appeals | 447 | Power of High Court to transfer cases and appeals | 177 |
| - | - | 472 | Mercy Petition in death sentence cases | 180 |
| 432 | Power to suspend or remit sentences. | 473 | Power to suspend or remit sentences. | 183 |

| Code of Criminal Procedure, 1973 | | Bharatiya Nagarik Suraksha Sanhita, 2023 | | Pg No. |
|---|---|---|--|---------------|
| Sec. | Heading | Sec. | Heading | |
| 433 | Power to commute sentence | 474 | Power to commute sentence | 185 |
| 435 | State Government to act after consultation with Central Government in certain cases | 477 | State Government to act after concurrence with Central Government in certain cases | 186 |
| 436 | In what cases bail to be taken | 478 | In what cases bail to be taken | 187 |
| 436A | Maximum period for which an under-trial prisoner can be detained | 479 | Maximum period for which an under-trial prisoner can be detained | 189 |
| 437A | Bail to require accused to appear before next Appellate Court | 481 | Bail to require accused to appear before next Appellate Court | 191 |
| 438 | Direction for grant of bail to person apprehending arrest | 482 | Direction for grant of bail to person apprehending arrest | 191 |
| 439 | Special powers of High Court or Court of Session regarding bail. | 483 | Special powers of High Court or Court of Session regarding bail. | 193 |
| 451 | Order for custody and disposal of property pending trial in certain cases | 497 | Order for custody and disposal of property pending trial in certain cases | 195 |
| 453 | Payment to innocent purchaser of money found on accused | 499 | Payment to innocent purchaser of money found on accused | 196 |
| 468 | Bar to taking cognizance after lapse of the period of limitation | 514 | Bar to taking cognizance after lapse of the period of limitation | 197 |
| - | - | 530 | Trial and proceedings to be held in electronic mode. | 198 |
| 484 | Repeal and savings. | 531 | Repeal and savings. | 199 |

**SUBJECT- WISE INDEX OF CHANGED/ NEW PROVISIONS OF
BHARATIYA NAGRIK SURAKSHA SANHITA, 2023**

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|--|-----------------------|---------------------|-------------|
| Appeals | | | |
| - Appeal by State Government against sentence | 377 | 418 | 172 |
| - Appeal in case of acquittal | 378 | 419 | 174 |
| Arrest | | | |
| - How made | 46 | 43 | 23 |
| - By private person and procedure on | 43 | 40 | 22 |
| Arrest of Persons | | | |
| - Examination of Accused by medical practitioner at request of police officer | 53 | 51 | 26 |
| - Examination of Arrested person by medical practitioner | 54 | 53 | 29 |
| - Examination of person accused of rape by medical practitioner | 53A | 52 | 28 |
| - Obligation of person making arrest to inform about arrest, etc., to relative or friend | 50A | 48 | 25 |
| - Person arrested not to be detained for more than 24 Hours | 57 | 58 | 31 |
| - Power to seize offensive weapons | 52 | 50 | 26 |
| - Procedure of arrest and duties of officer making arrest | 41B | 36 | 21 |
| - When police may arrest without warrant | 41,41A | 35 | 17 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|----------|-----------------------|---------------------|----------|
|----------|-----------------------|---------------------|----------|

| | | | |
|---|-------------|----------------|-----|
| Arrested Person | | | |
| - Identification of | 54A | 54 | 31 |
| Audio-video electronic means | | | |
| - Definition of | - | 2(1)(a) | 2 |
| Bail | | | |
| - Definition of | - | 2(1)(b) | 2 |
| Bail bond | | | |
| - Definition of | - | 2(1)(d) | 2 |
| Bail and Bonds, Provisions as to | | | |
| - Bail to require accused to appear before next appellate court. | 437A | 481 | 191 |
| - Direction for grant of bail to person apprehending arrest. | 438 | 482 | 191 |
| - In what cases bail to be taken. | 436 | 478 | 187 |
| - Maximum period for which an under-trial prisoner can be detained. | 436A | 479 | 189 |
| - Special powers of High Court or Court of Sessions regarding bail | 439 | 483 | 193 |
| Bond | | | |
| - Definition of | - | 2(1)(e) | 2 |
| Joinder of Charge | | | |
| - Offences of same kind within year may be charged together | 219 | 242 | 109 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|--|---------------------------|-------------------------|-----------------|
| Cognizance of certain offences, limitation for taking | | | |
| - Bar to taking cognizance after lapse of period of limitation | 468 | 514 | 197 |
| Compel Appearance, processes to | | | |
| - Forms of summon | 61 | 63 | 32 |
| - Identification and attachment of property of proclaimed person | - | 86 | 39 |
| - Procedure on arrest of person against whom warrant issued | 80 | 82 | 36 |
| - Proclamation for person absconding | 82 | 84 | 37 |
| - Proof of service in such cases and when serving officer not present. | 68 | 70 | 35 |
| - Service of summons on corporate bodies, firms, and societies. | 63 | 65 | 33 |
| - Service when persons summoned cannot be found | 64 | 66 | 34 |
| - Service of summons on witness | 69 | 71 | 36 |
| - Summons how served | 62 | 64 | 32 |
| Court of Session | 9 | 8 | 4 |
| Court of Session, Trial before | | | |
| - Discharge | 227 | 250 | 110 |
| - Evidence for prosecution | 231 | 254 | 112 |
| - Framing of Charge | 228 | 251 | 111 |
| - Judgement of acquittal or conviction | 235 | 258 | 112 |
| - Opening case for prosecution | 226 | 249 | 110 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|-----------------|---------------------------|-------------------------|-----------------|
|-----------------|---------------------------|-------------------------|-----------------|

| Courts, Power of | | | |
|--|------------|------------|-----|
| - Sentence in cases of conviction of several offences at one trial | 31 | 25 | 15 |
| - Sentences which Magistrates may pass | 29 | 23 | 14 |
| Criminal cases, Transfer of | | | |
| - Power of High Court to transfer cases and appeals | 407 | 447 | 177 |
| - Power of Supreme Court to transfer cases and appeals | 406 | 446 | 176 |
| Criminal courts in inquiries and trials, jurisdiction of | | | |
| - Offence committed outside India | 188 | 208 | 90 |
| - Offences committed by means of electronic communication, letters, etc. | 182 | 202 | 89 |
| - Place of trial in case of certain offences | 181 | 201 | 88 |
| - Receipt of evidence relating to offences committed outside india | 189 | 209 | 90 |
| Criminal Courts and offices, Constitution of | | | |
| - Directorate of Prosecution | 25A | 20 | 11 |
| - Public Prosecutors | 24 | 18 | 8 |
| - Special executive magistrate | 21 | 15 | 7 |
| - Special Judicial Magistrates | 13 | 11 | 6 |
| Death sentences | | | |
| - Mercy petition in | - | 472 | 180 |
| Death sentences for confirmation, submission of | | | |
| - Procedure in cases submitted to High Court for confirmation | 371 | 412 | 172 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|----------|-----------------------|---------------------|----------|
|----------|-----------------------|---------------------|----------|

| | | | |
|--|-----|----------|-----|
| Electronic Communication | | | |
| - Definition of | - | 2(1) (i) | 2 |
| Electronic mode, trial and proceedings to be held in | - | 530 | 198 |
| Information to police and their powers to investigate | | | |
| - Cases to be sent to Magistrate, when evidence is sufficient | 170 | 190 | 78 |
| - Information as to non-cognizable cases and investigation of such cases | 155 | 174 | 58 |
| - Information in cognizable cases | 154 | 173 | 55 |
| - Police officer's power to investigate cognizable case | 156 | 175 | 59 |
| - Police officer's power to require attendance of witnesses | 160 | 179 | 63 |
| - Police to enquire and report on suicide, etc. | 174 | 194 | 84 |
| - Power to summon persons | 175 | 195 | 87 |
| - Procedure for Investigation | 157 | 176 | 60 |
| - Procedure when investigation cannot be completed in twenty-four hours | 167 | 187 | 72 |
| - Recording of confessions and statements | 164 | 183 | 64 |
| - Report of police officer on completion of investigation | 173 | 193 | 80 |
| - Search by police officer | 165 | 185 | 70 |
| India, offence committed outside | 188 | 208 | 90 |
| Initiation of proceedings, conditions requisite for | | | |
| - Cognizance of offences by Magistrates | 190 | 210 | 91 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|---|---------------------------|-------------------------|-----------------|
| - Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence | 195 | 215 | 92 |
| - Prosecution for offences against marriage | 198 | 219 | 99 |
| - Prosecution of Judges and public servants | 197 | 218 | 95 |
| Inquires and trials, evidence in | | | |
| Commissions for examination of witnesses | | | |
| - Evidence of public servants, experts, police officers in certain cases | - | 336 | 129 |
| - No formal proof of certain documents | 294 | 330 | 128 |
| - Record of examination of accused | 281 | 316 | 125 |
| - Reports of certain Governments scientific expert | 293 | 329 | 126 |
| Inquiries and trials, general provisions as to | | | |
| - Compounding of offences | 320 | 359 | 141 |
| - Court to be open | 327 | 366 | 158 |
| - Inquiry, trial or judgment in absentia of proclaimed offender | - | 356 | 138 |
| - Legal aid to accused at State expense | 304 | 341 | 130 |
| - Power of Magistrate to order person to give specimen signatures or handwriting, etc. | 311A | 349 | 136 |
| - Power to postpone or adjourn proceedings | 309 | 346 | 133 |
| - Procedure where accused does not understand proceedings | 318 | 357 | 141 |
| - Provision for inquiries and trial being held in absence of accused in certain cases | 317 | 355 | 137 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|--|---------------------------|-------------------------|-----------------|
| - Tender of pardon to accomplice | 306 | 343 | 131 |
| - Withdrawal from prosecution | 321 | 360 | 126 |
| Investigation | | | |
| - Definition of | 2(h) | 2(1) (1) | 3 |
| Judgment | 353 | 392 | 159 |
| Magistrates, commencement of proceedings before | | | |
| - Commitment of case to Court of Session when offence is triable exclusively by it | 209 | 232 | 107 |
| - Issue of process | 204 | 227 | 103 |
| - Supply of copies of statements and documents to accused in other cases triable by Court of Session | 208 | 231 | 106 |
| - Supply to accused of copy of police report and other documents | 207 | 230 | 105 |
| Magistrates, complaints to | | | |
| - Examination of complainant | 200 | 223 | 102 |
| Offences affecting administration of justice, provisions as to | | | |
| - Copy of judgment to be given to accused and other persons | 363 | 404 | 170 |
| - Judgment when to be translated | 364 | 405 | 171 |
| - Order to release on probation of good conduct or after admonition | 360 | 401 | 165 |
| - Special reasons to be recorded in certain cases | 361 | 402 | 169 |
| - Treatment of victims | 357C | 397 | 164 |
| - Victim compensation scheme | 357A | 396 | 162 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|--|---------------------------|-------------------------|-----------------|
| - Witness protection scheme | - | 398 | 164 |
| Persons confined or detained in prisons, attendance of | | | |
| - Power of State Government or Central Government to exclude certain persons from operation of section 302 | 268 | 303 | 124 |
| Plea bargaining | | | |
| - Application for | 265B | 290 | 120 |
| - Disposal of case | 265E | 293 | 122 |
| Police, preventive action of | | | |
| - Arrest to prevent commission of cognizable offences | 151 | 170 | 53 |
| - Persons bound to conform to lawful direction of police | - | 172 | 54 |
| Power to commute sentence | 433 | 474 | 185 |
| Production of things, process to compel: Miscellaneous | | | |
| - Attachment, forfeiture or restoration of property | - | 107 | 41 |
| - Recording of search and seizure through audio-video electronic means | - | 105 | 41 |
| Production of things, process to compel: Summons | | | |
| - Summons to produce document or other thing | 91 | 94 | 40 |
| Property, disposal of | | | |
| - Order for custody and disposal of property pending trial in certain cases | 451 | 497 | 195 |
| - Payment to innocent purchaser of money found on | 453 | 499 | 196 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|--|---------------------------|-------------------------|-----------------|
| Public order and tranquility, maintenance of | | | |
| - Magistrate may prohibit repetition or continuance of public nuisance | 143 | 162 | 53 |
| - Person to whom order is addressed to obey or show cause | 135 | 154 | 52 |
| - Procedure where he appears to show cause | 138 | 157 | 52 |
| - Protection against prosecution for acts done under sections 148, 149 and 150. | 132 | 151 | 50 |
| - Use of armed forces to disperse assembly | 130 | 149 | 49 |
| Rape victim | | | |
| - Medical examination of victim of rape | 164A | 184 | 68 |
| Reciprocal arrangements for assistance in certain matters and procedure for attachment and forfeiture of property | | | |
| - Letter of request from a country or place outside India to a Court or an authority for investigation in India. | 166B | 113 | 45 |
| - Letter of request to competent authority for investigation in a country or place outside India. | 166A | 112 | 44 |
| Repeal and savings | 484 | 531 | 119 |
| Security for keeping peace and for good behaviour | | | |
| - Order to be made | 111 | 130 | 48 |
| - Security for good behaviour from persons disseminating certain matters | 108 | 127 | 46 |
| Sentences, execution, suspension, remission and commutation of | | | |
| - Power to suspend or remit sentence | 432 | 473 | 183 |
| - Mercy petition in death sentence cases | - | 472 | 180 |

| SUBJECTS | Sections of Cr.P.C | Sections of BNSS | Page No. |
|--|---------------------------|-------------------------|-----------------|
| - State Government to act after concurrence with Central Government in certain cases | 435 | 477 | 186 |
| Summary trials | | | |
| - Power to try summarily | 260 | 283 | 117 |
| Summons trial | | | |
| - Substance of accusation to be stated | 251 | 274 | 117 |
| Short title, extent and commencement | 1 | 1 | 1 |
| Victim | | | |
| - Definition of | 2(wa) | 2(1)(y) | 3 |
| Warrant-cases by magistrates, trial of | | | |
| <i>Cases instituted on a police report</i> | | | |
| - Evidence for prosecution | 242 | 265 | 114 |
| - Framing of charge | 240 | 263 | 113 |
| - When accused shall be discharged | 239 | 262 | 113 |
| Cases instituted otherwise than on police report | | | |
| - Procedure where accused is not discharged | 246 | 269 | 115 |
| Conclusion of trial | | | |
| - Absence of complainant | 249 | 272 | 117 |
| Wives, children and parents, order for maintenance of | | | |
| - Procedure of | 126 | 145 | 48 |
| Words and expression | 2(y) | 2(2) | 4 |

**LIST OF PROVISION ADDED (SECTION NO. &
HEADING TO BNSS, 2023**

| SECTION | HEADING | Pg no. |
|----------------|--|---------------|
| 2(1)(a) | 'audio-video electronic means' | 2 |
| 2(1)(b) | 'bail' | 2 |
| 2(1)(d) | 'bail bond' | 2 |
| 2(1)(e) | 'bond' | 3 |
| 2(1)(i) | 'electronic communication' | 3 |
| 2(1)0) | <i>Explanation</i> added to this section | 3 |
| 2(2) | Words and expression | 4 |
| 20 | Directorate of Prosecution | 12 |
| 23(3) | Sentences which Magistrates may pass (<i>Community Services</i> and its explanation added) | 6 |
| 35(7) | When police may arrest without a warrant | 23 |
| 43(3) | Arrest how made | 25 |
| 51(3) | Examination of the accused by a medical practitioner at the request of the police officer | 29 |
| 65(2) | Service of summons on corporate bodies, firms, and societies | 37 |
| 70(3) | Proof of service in such cases and when the serving officer is not present | 38 |
| 82(2) | Procedure on arrest of person against whom warrant issued | 40 |
| 86 | Identification and attachment of property of a proclaimed person | 43 |
| 105 | Recording of search and seizure through audio-video electronic means | 47 |
| 107 | Attachment, forfeiture, or restoration of property | 47 |
| 157 | Procedure where the person against whom an order is made under Section 152 appears to show cause (Proviso added) | 55 |
| 172 | Persons bound to conform to lawful directions of police. | 57 |
| 137 | Information in cognizable offences. | 57 |
| 175(4) | Police officer's power to investigate cognizable case | 63 |

| SECTION | HEADING | |
|-------------------|--|-----|
| 176(3) | Procedure for investigation | 65 |
| 193(3)(ii) | Report of the police officer on completion of the investigation | 89 |
| 223(2) | Examination of complainant | 112 |
| 250(1) | Discharge | 120 |
| 262(1) | When accused shall be discharged | 123 |
| 269(7) | Procedure where the accused is not discharged | 127 |
| 283(2) | Power to try summarily | 129 |
| 336 | Evidence of public servants, experts, and police officers in certain cases | 140 |
| 356 | Inquiry, trial, or judgement in absentia of proclaimed offender | 150 |
| 398 | Witness protection scheme | 179 |
| 472 | Mercy petition in death sentence cases | 196 |
| 474 | Power to commute sentence | 201 |
| 479 | The maximum period for which under trial prisoner can be detained | 205 |
| 497 | Order for custody of property pending trial in certain cases | 211 |
| 530 | Trial and proceedings to be held in electronic mode | 215 |

LIST OF PROVISIONS OMITTED (SECTION NO. & HEADING)
FROM BNSS, 2023

| SECTION | HEADING |
|----------------|--|
| 1(2) | Short title, extent and commencement (referring to the phrase- "it extends to the whole of India") |
| 2 m | "India" |
| 2(k) | "Metropolitan area" |
| 2(q) | "pleader" |
| 2(t) | "prescribed" |
| 3(1) | Construction of references |
| 3(2) | |
| 8 | Metropolitan areas |
| 10(1) | Subordination of Assistant Sessions Judges |
| 13(3) | Special Judicial Magistrates |
| 16 | Courts of Metropolitan Magistrates |
| 17 | Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate |
| 18 | Special Metropolitan Magistrates |
| 19 | Subordination of Metropolitan Magistrates |
| 25(2) | Directorate of Prosecution |
| 27 | Jurisdiction in the case of juveniles |
| 28(3) | Sentences which High Court and Session Judges may pass |
| 29(4) | Sentences which magistrates may pass |
| 144-A | Power to prohibit carrying arms in procession or mass drill or mass training with arms |
| 153 | Inspection of weights and measures |
| 188-A | Offense committed in the exclusive economic zone (EEZ) |
| 197(3-B) | Prosecution of judges and public servants |
| 260(1)(i) | Power to try summarily |
| 260(1)(b) | |
| 355 | Metropolitan Magistrates judgment |
| 404 | Statement by Metropolitan Magistrate of ground of his decision to be considered by High court |
| 433(a) | Power to commute sentence |
| 433(b) | |
| 433(d) | |
| 438(1-A) | Direction for grant of bail to person apprehending arrest |
| 438(1-B) | |

STATEMENT OF OBJECTS AND REASONS OF BNSS, 2023

1. The Code of Criminal Procedure, 1973 regulates the procedure for arrest, investigation, inquiry and trial of offences under the Indian Penal Code and under any other law governing criminal offences. The Code provides for a mechanism for conducting trials in a criminal case. It gives the procedure for registering a complaint, conducting a trial and passing an order, and filing an appeal against any order.
2. Fast and efficient justice system is an essential component of good governance. However, delay in delivery of justice due to complex legal procedures, large pendency of cases in the Courts, low conviction rates, insufficient use of technology in legal system, delays in investigation system, inadequate use of forensics are the biggest hurdles in speedy delivery of justice, which impacts the poor man adversely. In order to address these issues a citizens centric criminal procedure is the need of the hour.
3. The experience of seven decades of Indian democracy calls for a comprehensive review of our criminal laws, including the Code of Criminal Procedure and adapt them in accordance with the contemporary needs and aspirations of the people.
4. The Government with the mantra, "Sabka Saath, Sabka Vikas, Sabka Vishwas and Sabka Prayas" is committed to ensure speedy justice to all citizens in conformity with these constitutional and democratic aspirations. The Government is committed to make a comprehensive review of the framework of criminal laws to provide accessible and speedy justice to all.
5. In view of the above, it is proposed to repeal the Code of Criminal Procedure, 1973 and enact a new law. It provides for the use of technology and forensic sciences in the investigation of crime and furnishing and lodging of information, service of

summons, etc., through electronic communication. Specific time-lines have been prescribed for time bound investigation, trial and pronouncement of judgements. Citizen centric approach have been adopted for supply of copy of first information report to the victim and to inform them about the progress of investigation, including by digital means. In cases where punishment is 7 years or more, the victims shall be given an opportunity of being heard before withdrawal of the case by the Government. Summary trial has been made mandatory for petty and less serious cases. The accused persons may be examined through electronic means, like video conferencing. The magisterial system has also been streamlined.

6. Accordingly, a Bill, namely, the Bharatiya Nagarik Suraksha Sanhita, 2023 was introduced in the Lok Sabha on 11th August, 2023. The Bill was referred to the Department related Parliamentary Standing Committee on Home Affairs for its consideration and report. The Committee after deliberations made its recommendations in its report submitted on 10th November, 2023. The recommendations made by the Committee have been considered by the Government and it has been decided to withdraw the Bill pending in the Lok Sabha and introduce a new Bill incorporating therein those recommendations made by the Committee that have been accepted by the Government.
7. The Notes on Clauses explains the various provision of the Bill.
8. The Bill seeks to achieve the above objectives.

NEW DELHI;

The 9th December, 2023.

COMPARATIVE TEXT OF BNSS, 2023 & CrPC, 1973 (CHANGED/NEW PROVISION)

| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, 1973</i> |
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| <p>S.1. Short title, extent and commencement.</p> <p>(1) This Act may be called the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023</p> <p>(2) The provisions of this Sanhita, other than those relating to Chapters IX, XI and XII thereof, shall not apply-</p> <p style="padding-left: 40px;">(a) to the State of Nagaland;</p> <p style="padding-left: 40px;">(b) to the tribal areas,</p> <p>but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications, as may be specified in the notification.</p> <p>Explanation.-In this section, "tribal areas" means the territories which immediately before the 21st day of January, 1972, were included in the tribal areas of Assam, as referred to in paragraph 20 of the Sixth Schedule to the Constitution, other than those within the local limits of the municipality of Shillong.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> | <p>S.1. Short title, extent, and commencement.</p> <p>(1) This Act may be called the Code of Criminal Procedure, 1973.</p> <p>(2) It extends to the whole of India : Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof, shall not apply-</p> <p style="padding-left: 40px;">(a) to the State of Nagaland,</p> <p style="padding-left: 40px;">(b) to the tribal areas,</p> <p>but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications, as may be specified in the notification.</p> <p>Explanation.-In this section, "tribal areas" means the territories which immediately before the 21st day of January, 1972, were included in the tribal areas of Assam, as referred to in paragraph 20 of the Sixth Schedule to the Constitution, other than those within the local limits of the municipality of Shillong.</p> <p>(3) It shall come into force on the 1st day of April, 1974.</p> |

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| <p>S.2. Definitions.</p> <p>(1) In this Sanhita, unless the context otherwise require---</p> <p>(a) "audio-video electronic means" shall include use of any communication device for the purposes of video conferencing, recording of processes of identification, search and seizure or evidence, transmission of electronic communication and for such other purposes and by such other means as the State Government may, by rules provide;</p> <p>(b) "bail" means release of a person accused of or suspected of commission of an offence from the custody of law upon certain conditions imposed by an officer or Court on execution by such person of a bond or a bail bond;</p> <p>(d) "bail bond" means an undertaking for release with surety;</p> <p>(e) "bond" means a personal bond or an undertaking for release without surety;</p> <p>(i) "electronic communication" means the communication of any written, verbal,</p> | <p>S.2. Definitions.</p> <p>In this Code, unless the context otherwise requires-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> |
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pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by notification, by the Central Government;

(l) "investigation" includes all the proceedings under this Sanhita for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf.

Explanation.-Where any of the provisions of a special Act are inconsistent with the provisions of this Sanhita, the provisions of the special Act shall prevail;

(y) "victim" means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardian or legal heir of such victim;

(h) "investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf;

(wa) "victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir;

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| <p>S.2(2) Words and expressions used herein and not defined but defined in the Information Technology Act, 2000 and the Bharatiya Nyaya Sanhita, 2023 shall have the meanings respectively assigned to them in that Act and Sanhita.</p> <p>Provided that any reference in this Sanhita to the Bharatiya Nyaya Sanhita, 2023 or to the Bharatiya Sakshya Adhinyam, 2023, shall be construed as a reference to the Bharatiya Nyaya (Second) Sanhita, 2023 or the Bharatiya Sakshya (Second) Adhinyam, 2023, respectively.</p> | <p>(y) words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860) have the meanings respectively assigned to them in that Code.</p> |
| <p>S.8. Court of Session.</p> <p>(1) The State Government shall establish a Court of Session for every sessions division.</p> <p>(2) Every Court of Session shall be presided over by a Judge, to be appointed by the High Court.</p> <p>(3) The High Court may also appoint Additional Sessions Judges to exercise jurisdiction in a Court of Session.</p> <p>(4) The Sessions Judge of one sessions division may be appointed by the High Court to be also an Additional Sessions Judge of another division, and in such case, he may sit</p> | <p>S.9. Court of Session.</p> <p>(1) The State Government shall establish a Court of Session for every sessions division.</p> <p>(2) Every Court of Session shall be presided over by a Judge, to be appointed by the High Court.</p> <p>(3) The High Court may also appoint Additional Sessions Judges and Assistant Session Judges to exercise jurisdiction in a Court of Session.</p> <p>(4) The Sessions Judge of one sessions division may be appointed by the High Court to be also an Additional Sessions Judge of another division, and in such case he may sit</p> |

for the disposal of cases at such place or places in the other division as the High Court may direct.

(5) Where the office of the Sessions Judge is vacant, the High Court may make arrangements for the disposal of any urgent application which is, or may be, made or pending before such Court of Session by an Additional Sessions Judge or if there be no Additional Sessions Judge, by a Chief Judicial Magistrate, in the sessions division; and every such Judge or Magistrate shall have jurisdiction to deal with any such application.

(6) The Court of Session shall ordinarily hold its sitting at such place or places as the High Court may, by notification, specify; but, if, in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sittings at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein.

(7) The Sessions Judge may, from time to time, make orders consistent with this Sanhita,

for the disposal of cases at such place or places in the other division as the High Court may direct.

(5) Where the office of the Sessions Judge is vacant, the High Court may make arrangements for the disposal of any urgent application which is, or may be, made or pending before such Court of Session by an Additional or Assistant Sessions Judge, or, if there be no Additional or Assistant Sessions Judge, by a Chief Judicial Magistrate, in the sessions division; and every such Judge or Magistrate shall have jurisdiction to deal with any such application.

(6) The Court of Session shall ordinarily hold its sitting at such place or places as the High Court may, by notification, specify; but, if, in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sittings at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein.

as to the distribution of business among such Additional Sessions Judges.

(8) The Sessions Judge may also make provision for the disposal of any urgent application, in the event of his absence or inability to act, by an Additional Sessions Judge or if there be no Additional Sessions Judge, by the Chief Judicial Magistrate, and such Judge or Magistrate shall be deemed to have jurisdiction to deal with any such application.

Explanation.-For the purposes of this Sanhita, "appointment" does not include the first appointment, posting or promotion of a person by the Government to any Service, or post in connection with the affairs of the Union or of a State, where under any law, such appointment, posting or promotion is required to be made by the Government

Explanation.-For the purposes of this Code, "appointment" does not include the first appointment, posting or promotion of a person by the Government to any Service, or post in connection with the affairs of the Union or of a State, where under any law, such appointment, posting or promotion is required to be made by Government.

S.11. Special Judicial Magistrates.

(1) The High Court may, if requested by the Central or State Government so to do, confer upon any person who holds or has held any post under the Government, all or any of the powers conferred or conferrable by or under this Sanhita on a Judicial Magistrate of the first class or of the second class, in respect to

S.13. Special Judicial Magistrates.

(1) The High Court may, if requested by the Central or State Government so to do, confer upon any person who holds or has held any post under the Government, all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate of the first class or of the second class, in respect to

particular cases or to particular classes of cases, in any local area:

Provided that no such power shall be conferred on a person unless he possesses such qualification or experience in relation to legal affairs as the High Court may, by rules, specify.

(2) Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term, not exceeding one year at a time, as the High Court may, by general or special order, direct.

particular cases or to particular classes of cases, in any local area, not being a metropolitan area:

Provided that no such power shall be conferred on a person unless he possesses such qualification or experience in relation to legal affairs as the High Court may, by rules, specify.

(2) Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term, not exceeding one year at a time, as the High Court may, by general or special order, direct.

(3) The High Court may empower a Special Judicial Magistrate to exercise the powers of a Metropolitan Magistrate in relation to any metropolitan area outside his local jurisdiction.

S.15. Special Executive Magistrates.

The State Government may appoint, for such term as it may think fit, Executive Magistrates or any police officer not below the rank of Superintendent of Police or equivalent, to be known as Special Executive Magistrates, for particular areas or for the performance of particular functions and confer on such Special Executive Magistrates such of the

S.21. Special Executive Magistrates.

The State Government may appoint, for such term as it may think fit, Executive Magistrates, to be known as Special Executive Magistrates, for particular areas or for the performance of particular functions and confer on such Special Executive Magistrates such of the powers as are

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| <p>powers as are conferrable under this Sanhita on Executive Magistrates, as it may deem fit.</p> | <p>conferrable under this Code on Executive Magistrates, as it may deem fit.</p> |
| <p>S.18. Public Prosecutors.</p> <p>(1) For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or the State Government, as the case may be:</p> <p>Provided that for National Capital Territory of Delhi, the Central Government shall, after consultation with the High Court of Delhi, appoint the Public Prosecutor or Additional Public Prosecutors for the purposes of this sub-section.</p> <p>(2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case in any district or local area.</p> <p>(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:</p> <p>Provided that the Public Prosecutor or</p> | <p>S.24. Public Prosecutors.</p> <p>(1) For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or State Government, as the case may be.</p> <p>(2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case or class of cases in any district or local area.</p> <p>(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:</p> <p>Provided that the Public Prosecutor or</p> |

Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional Public Prosecutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section (4).

(6) Notwithstanding anything in sub-section (5), where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor only from among the persons constituting such Cadre:

Provided that where, in the opinion of the State Government, no suitable person is available in such Cadre for such appointment, that Government may appoint a person as

Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional Public Prosecutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section (4).

(6) Notwithstanding anything contained in sub-section (5), where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor only from among the persons constituting such Cadre:

Provided that where, in the opinion of the State Government, no suitable person is available in such Cadre for such appointment that Government may appoint a person as

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| <p>Public Prosecutor or Additional Public Prosecutor, as the case may be, from the panel of names prepared by the District Magistrate under sub-section (4).</p> <p>Explanation.-For the purposes of this sub-section,-</p> <p>(a) "regular Cadre of Prosecuting Officers" means a Cadre of Prosecuting Officers which includes therein the post of Public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public Prosecutors, by whatever name called, to that post;</p> <p>(b) "Prosecuting Officer" means a person, by whatever name called, appointed to perform the functions of a Public Prosecutor, Special Public Prosecutor, Additional Public Prosecutor or Assistant Public Prosecutor under this Sanhita.</p> <p>(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years.</p> <p>(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has</p> | <p>Public Prosecutor or Additional Public Prosecutor, as the case may be, from the panel of names prepared by the District Magistrate under sub-section (4).</p> <p>Explanation.-For the purposes of this sub-section,-</p> <p>(a) "regular Cadre of Prosecuting Officers" means a Cadre of Prosecuting Officers which includes therein the post of a Public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public Prosecutors, by whatever name called, to that post;</p> <p>(b) "Prosecuting Officer" means a person, by whatever name called, appointed to perform the functions of a Public Prosecutor, an Additional Public Prosecutor or an Assistant Public Prosecutor under this Code.</p> <p>(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years.</p> <p>(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has</p> |
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been in practice as an advocate for not less than ten years as a Special Public Prosecutor:

Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section.

(9) For the purposes of sub-section (7) and sub-section (8), the period during which a person has been in practice as an advocate, or has rendered (whether before or after the commencement of this Sanhita) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other Prosecuting Officer, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate.

been in practice as an advocate for not less than ten years as a Special Public Prosecutor:

Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section.

(9) For the purposes of sub-section (7) and sub-section (8), the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Code) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other Prosecuting Officer, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate.

S.20. Directorate of Prosecution.

(1) The State Government may establish,-

(a) a Directorate of Prosecution in the State consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit; and

(b) a District Directorate of Prosecution in every district consisting of as many Deputy Directors and Assistant Directors of Prosecution, as it thinks fit.

S.25A. Directorate of Prosecution.

(1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

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| <p>(2) A person shall be eligible to be appointed,-</p> <p>(a) as a Director of Prosecution or a Deputy Director of Prosecution, if he has been in practice as an advocate for not less than fifteen years or is or has been a Sessions Judge;</p> <p>(b) as an Assistant Director of Prosecution, if he has been in practice as an advocate for not less than seven years or has been a Magistrate of the first class.</p> <p>(3) The Directorate of Prosecution shall be headed by the Director of Prosecution, who shall function under the administrative control of the Home Department in the State.</p> <p>(4) Every Deputy Director of Prosecution or Assistant Director of Prosecution shall be subordinate to the Director of Prosecution; and every Assistant Director of Prosecution shall be subordinate to the Deputy Director of Prosecution.</p> <p>(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1) or sub-section (8) of section 18 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.</p> | <p>(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.</p> <p>(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.</p> <p>(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.</p> <p>(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of section 24 to</p> |
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(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3) or sub-section (8) of section 18 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 19 shall be subordinate to the Deputy Director of Prosecution or the Assistant Director of Prosecution.

(7) The powers and functions of the Director of Prosecution shall be to monitor cases in which offences are punishable for ten years or more, or with life imprisonment, or with death; to expedite the proceedings and to give opinion on filing of appeals.

(8) The powers and functions of the Deputy Director of Prosecution shall be to examine and scrutinise police report and monitor the cases in which offences are punishable for seven years or more, but less than ten years, for ensuring their expeditious disposal.

(9) The functions of the Assistant Director of Prosecution shall be to monitor cases in which offences are punishable for less than seven years.

conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.

(10) Notwithstanding anything contained in sub-sections (7), (8) and (9), the Director, Deputy Director or Assistant Director of Prosecution shall have the power to deal with and be responsible for all proceedings under this Sanhita.

(11) The other powers and functions of the Director of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution or Assistant Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(12) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.

S.23. Sentences which Magistrates may pass.

(1) The Court of a Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years.

(2) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a

S.29. Sentences which Magistrates may pass.

(1) The Court of a Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years.

(2) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a

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| <p>term not exceeding three years, or of fine not exceeding fifty thousand rupees, or of both, or of community service.</p> <p>(3) The Court of Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding ten thousand rupees, or of both, or of community service.</p> <p>Explanation- "Community service" shall mean the work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration.</p> | <p>term not exceeding three years, or of fine not exceeding ten thousand rupees, or of both.</p> <p>(3) The Court of Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding five thousand rupees or of both.</p> <p>(4) The Court of a Chief Metropolitan Magistrate shall have the powers of the Court of a Chief Judicial Magistrate and that of a Metropolitan Magistrate, the powers of the Court of a Magistrate of the first class.</p> |
| <p>S.25. Sentence in cases of conviction of several offences at one trial.</p> <p>(1) When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 9 of the Bharatiya Nyaya Sanhita, 2023, sentence him for such offences, to the several punishments prescribed therefor which such Court is competent to inflict and the Court shall, considering the gravity of offences, order such</p> | <p>S.31. Sentence in cases of conviction of several offences at one trial.</p> <p>(1) When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Indian Penal Code (45 of 1860), sentence him for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments when consisting of imprisonment to commence the</p> |

punishments to run concurrently or consecutively.

(2) In the case of consecutive sentences, it shall not be necessary for the Court by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that -

(a) in no case shall such person be sentenced to imprisonment for a longer period than twenty years;

(b) the aggregate punishment shall not exceed twice the amount of punishment which the Court is competent to inflict for a single offence.

(3) For the purpose of appeal by a convicted person, the aggregate of the consecutive sentences passed against him under this section shall be deemed to be a single sentence.

one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

(2) In the case of consecutive sentences, it shall not be necessary for the Court by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that -

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years;

(b) the aggregate punishment shall not exceed twice the amount of punishment which the Court is competent to inflict for a single offence.

(3) For the purpose of appeal by a convicted person, the aggregate of the consecutive sentences passed against him under this section shall be deemed to be a single sentence.

S.35. When police may arrest without warrant.

(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person-

(a) who commits, in the presence of a police officer, a cognizable offence; or

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:-

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police officer is satisfied that such arrest is necessary-

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or

S.41. When police may arrest without warrant.

(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person-

(a) who commits, in the presence of a police officer, a cognizable offence;

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:-

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police officer is satisfied that such arrest is necessary-

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or

tampering with such evidence in any manner;
or

(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

and the police officer shall record while making such arrest, his reasons in writing:

Provided that a police officer shall, in all cases where the arrest of a person is not required under the provisions of this sub-section, record the reasons in writing for not making the arrest; or

(c) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence; or

tampering with such evidence in any manner;
or

(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

and the police officer shall record while making such arrest, his reasons in writing:

Provided that a police officer shall, in all cases where the arrest of a person is not required under the provisions of this sub-section, record the reasons in writing for not making the arrest.;

(ba) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence;

(d) who has been proclaimed as an offender either under this Sanhita or by order of the State Government; or

(e) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or

(f) who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or

(g) who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or

(h) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or

(i) who, being a released convict, commits a breach of any rule made under sub-section (5) of section 394; or

(c) who has been proclaimed as an offender either under this Code or by order of the State Government; or

(d) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or

(e) who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or

(f) who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or

(g) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or

(h) who, being a released convict, commits a breach of any rule made under sub-section (5) of section 356; or

(j) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) Subject to the provisions of section 39, no person concerned in a non-cognizable offence or against whom a complaint has been made or credible information has been received or reasonable suspicion exists of his having so concerned, shall be arrested except under a warrant or order of a Magistrate.

(3) The police officer shall, in all cases where the arrest of a person is not required under sub-section (1) issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

(i) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) Subject to the provisions of section 42, no person concerned in a non-cognizable offence or against whom a complaint has been made or credible information has been received or reasonable suspicion exists of his having so concerned, shall be arrested except under a warrant or order of a Magistrate.

S.41A. Notice of appearance before police officer.

(1) The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear

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| <p>(4) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.</p> <p>(5) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.</p> <p>(6) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice.</p> <p>(7) No arrest shall be made without prior permission of an officer not below the rank of Deputy Superintendent of Police in case of an offence which is punishable for imprisonment of less than three years and such person is infirm or is above sixty years of age.</p> | <p>before him or at such other place as may be specified in the notice.</p> <p>(2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.</p> <p>(3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.</p> <p>(4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice.</p> |
| <p>S.36. Procedure of arrest and duties of officer making arrest.</p> <p>Every police officer while making an arrest shall-</p> | <p>41B. Procedure of arrest and duties of officer making arrest.</p> <p>Every police officer while making an arrest shall-</p> |

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| <p>(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;</p> <p>(b) prepare a memorandum of arrest which shall be -</p> <p>(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;</p> <p>(ii) countersigned by the person arrested; and</p> <p>(c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend or any other person named by him to be informed of his arrest.</p> | <p>(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;</p> <p>(b) prepare a memorandum of arrest which shall be -</p> <p>(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;</p> <p>(ii) countersigned by the person arrested; and</p> <p>(c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of his arrest.</p> |
| <p>S.40. Arrest by private person and procedure on such arrest.</p> <p>(1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, but within six hours from such arrest, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police</p> | <p>S.43. Arrest by private person and procedure on such arrest.</p> <p>(1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.</p> |

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| <p>station.</p> <p>(2) If there is reason to believe that such person comes under the provisions of sub-section (1) of section 35, a police officer shall take him in custody.</p> <p>(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 39; but if there is no sufficient reason to believe that he has committed any offence, he shall be at once released.</p> | <p>(2) If there is reason to believe that such person comes under the provisions of section 41, a police officer shall re-arrest him.</p> <p>(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 42; but if there is no sufficient reason to believe that he has committed any offence, he shall be at once released.</p> |
| <p>S.43. Arrest how made.</p> <p>(1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action:</p> <p>Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female,</p> | <p>S.46. Arrest how made.</p> <p>(1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action:</p> <p>Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a</p> |

the police officer shall not touch the person of the woman for making her arrest.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.

(3) The police officer may, keeping in view the nature and gravity of the offence, use handcuff while making the arrest of a person or while producing such person before the court who is a habitual or repeat offender, or who escaped from custody, or who has committed offence of organised crime, terrorist act, drug related crime, or illegal possession of arms and ammunition, murder, rape, acid attack, counterfeiting of coins and currency-notes, human trafficking, sexual offence against children, or offence against the State.

(4) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

(5) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer

female, the police officer shall not touch the person of the woman for making her arrest.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

(4) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer

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| <p>shall, by making a written report, obtain the prior permission of the Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.</p> | <p>shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.</p> |
| <p>S.48. Obligation of person making arrest to inform about arrest, etc., to relative or friend.</p> <p>(1) Every police officer or other person making any arrest under this Sanhita shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his relatives, friends or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information and also to the designated police officer in the district.</p> <p>(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.</p> <p>(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as the State Government may, by rules, provide.</p> <p>(4) It shall be the duty of the Magistrate before</p> | <p>S.50A. Obligation of person making arrest to inform about the arrest, etc., to a nominated person.</p> <p>(1) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information.</p> <p>(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.</p> <p>(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government.</p> <p>(4) It shall be the duty of the Magistrate</p> |

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| <p>whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person.</p> | <p>before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person.</p> |
| <p>S.50. Power to seize offensive weapons. The police officer or other person making any arrest under this Sanhita may, immediately after the arrest is made, take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Sanhita to produce the person arrested.</p> | <p>S.52. Power to seize offensive weapons. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.</p> |
| <p>S.51. Examination of accused by medical practitioner at request of police officer. (1) When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of any police officer, and for any person acting in good faith in his aid and</p> | <p>S.53. Examination of accused by medical practitioner at the request of police officer. (1) When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of a police officer not below the rank of sub-inspector, and for any person</p> |

under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

(2) Whenever the person of a female is to be examined under this section, the examination shall be made only by, or under the supervision of, a female registered medical practitioner.

(3) The registered medical practitioner shall, without any delay, forward the examination report to the investigating officer.

Explanation.-In this section and sections 52 and 53, -

(a) "examination" shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case;

(b) "registered medical practitioner" means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 and

acting in good faith in his aid and under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

(2) Whenever the person of a female is to be examined under this section, the examination shall be made only by, or under the supervision of, a female registered medical practitioner.

Explanation.-In this section and in sections 53A and 54, -

(a) "examination" shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case;

(b) "registered medical practitioner" means a medical practitioner who possesses any medical qualification as defined in clause (h)

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| <p>whose name has been entered in the National Medical Register or a State Medical Register under that Act.</p> | <p>of section 2 of the Indian Medical Council Act, 1956 (102 of 1956) and whose name has been entered in a State Medical Register.</p> |
| <p>S.52. Examination of person accused of rape by medical practitioner.</p> <p>(1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometres from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of any police officer, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.</p> <p>(2) The registered medical practitioner conducting such examination shall, without any delay, examine such person and prepare a</p> | <p>S.53A. Examination of person accused of rape by medical practitioner.</p> <p>(1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometres from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.</p> <p>(2) The registered medical practitioner conducting such examination shall, without</p> |

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| <p>report of his examination giving the following particulars, namely:-</p> <p>(i) the name and address of the accused and of the person by whom he was brought;</p> <p>(ii) the age of the accused;</p> <p>(iii) marks of injury, if any, on the person of the accused;</p> <p>(iv) the description of material taken from the person of the accused for DNA profiling; and</p> <p>(v) other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The exact time of commencement and completion of the examination shall also be noted in the report.</p> <p>(5) The registered medical practitioner shall, without any delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 193 as part of the documents referred to in clause (a) of sub-section (6) of that section.</p> | <p>delay, examine such person and prepare a report of his examination giving the following particulars, namely:-</p> <p>(i) the name and address of the accused and of the person by whom he was brought,</p> <p>(ii) the age of the accused,</p> <p>(iii) marks of injury, if any, on the person of the accused,</p> <p>(iv) the description of material taken from the person of the accused for DNA profiling, and</p> <p>(v) other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The exact time of commencement and completion of the examination shall also be noted in the report.</p> <p>(5) The registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.</p> |
| <p>S.53. Examination of arrested person by medical officer.</p> <p>(1) When any person is arrested, he shall be examined by a medical officer in the service</p> | <p>S.54. Examination of arrested person by medical officer.</p> <p>(1) When any person is arrested, he shall be examined by a medical officer in the service</p> |

of the Central Government or a State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:

Provided that if the medical officer or the registered medical practitioner is of the opinion that one more examination of such person is necessary, he may do so:

Provided further that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.

(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person.

of Central or State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:

Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.

(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person.

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| <p>S.54. Identification of person arrested.</p> <p>Where a person is arrested on a charge of committing an offence and his identification by any other person or persons is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction may, on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit:</p> <p>Provided that if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with and the identification process shall be recorded by any audio-video electronic means.</p> | <p>S.54A. Identification of person arrested.</p> <p>Where a person is arrested on a charge of committing an offence and his identification by any other person or persons is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction may, on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit:</p> <p>Provided that, if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Judicial Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with:</p> <p>Provided further that if the person identifying the person arrested is mentally or physically disabled, the identification process shall be videographed.</p> |
| <p>S.58. Person arrested not to be detained more than twenty-four hour.</p> <p>No police officer shall detain in custody a</p> | <p>S.57. Person arrested not to be detained more than twenty-four hours.</p> <p>No police officer shall detain in custody a</p> |

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| <p>person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 187, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, whether having jurisdiction or not.</p> | <p>person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.</p> |
| <p>S.63. Form of summons. Every summons issued by a Court under this Sanhita shall be, -</p> <p>(i) in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court; or</p> <p>(ii) in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court or digital signature.</p> | <p>S.61. Form of summons. Every summons issued by a Court under this Code shall be in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court.</p> |
| <p>S.64. Summons how served. (1) Every summons shall be served by a police officer, or subject to such rules as the State Government may make in this behalf, by an officer of the Court issuing it or other public servant:</p> | <p>S.62. Summons how served. (1) Every summons shall be served by a police officer, or subject to such rules as the State Government may make in this behalf, by an officer of the Court issuing it or other public servant.</p> |

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| <p>Provided that the police station or the registrar in the Court shall maintain a register to enter the address, email address, phone number and such other details as the State Government may, by rules, provide.</p> <p>(2) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons:</p> <p>Provided that summons bearing the image of Court's seal may also be served by electronic communication in such form and in such manner, as the State Government may, by rules, provide.</p> <p>(3) Every person on whom a summons is so served personally shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.</p> | <p>(2) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.</p> <p>(3) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.</p> |
| <p>S.65. Service of summons on corporate bodies, firms, and societies.</p> <p>(1) Service of a summons on a company or corporation may be effected by serving it on the Director, Manager, Secretary or other officer of the company or corporation, or by letter sent by registered post addressed to the Director, Manager, Secretary or other officer of the company or corporation in India, in</p> | <p>S.63. Service of summons on corporate bodies and societies.</p> <p>Service of a summons on a corporation may be effected by serving it on the secretary, local manager or other principal officer of the corporation, or by letter sent by registered post, addressed to the chief officer of the corporation in India, in which case the service shall be deemed to have been effected when</p> |

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| <p>which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.</p> <p>Explanation.-In this section, "company" means a body corporate and "corporation" means an incorporated company or other body corporate registered under the Companies Act, 2013 or a society registered under the Societies Registration Act, 1860.</p> <p>(2) Service of a summons on a firm or other association of individuals may be effected by serving it on any partner of such firm or association, or by letter sent by registered post addressed to such partner, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.</p> | <p>the letter would arrive in ordinary course of post.</p> <p>Explanation.-In this section, "corporation" means an incorporated company or other body corporate and includes a society registered under the Societies Registration Act, 1860 (21 of 1860).</p> |
| <p>S.66. Service when persons summoned cannot be found.</p> <p>Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some adult member of his family residing with him, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.</p> | <p>S.64. Service when persons summoned cannot be found.</p> <p>Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family residing with him, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other</p> |

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| <p>Explanation.-A servant is not a member of the family within the meaning of this section.</p> | <p>duplicate.</p> <p>Explanation.-A servant is not a member of the family within the meaning of this section.</p> |
| <p>S.70. Proof of service in such cases and when serving officer not present.</p> <p>(1) When a summons issued by a Court is served outside its local jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in the manner provided by section 64 or section 66) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.</p> <p>(2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.</p> <p>(3) All summons served through electronic communication under sections 64 to 71 (both inclusive) shall be considered as duly served and a copy of such summons shall be attested and kept as a proof of service of summons.</p> | <p>S.68. Proof of service in such cases and when serving officer not present.</p> <p>(1) When a summons issued by a Court is served outside its local jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in the manner provided by section 62 or section 64) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.</p> <p>(2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.</p> |

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| <p>S.71. Service of summons on witness by post.</p> <p>(1) Notwithstanding anything contained in the preceding sections of this Chapter, a Court Issuing a summons to a witness may, in addition to and simultaneously with the issue of such summons, direct a copy of the summons to be served by electronic communication or by registered post addressed to the witness at the place where he ordinarily resides or carries on business or personally works for gain.</p> <p>(2) When an acknowledgement purporting to be signed by the witness or an endorsement purporting to be made by a postal employee that the witness refused to take delivery of the summons has been received or on the proof of delivery of summons under sub-section (3) of section 70 by electronic communication to the satisfaction of the Court, the Court issuing summons may deem that the summons has been duly served.</p> | <p>S.69. Service of summons on witness by post.</p> <p>(1) Notwithstanding anything contained in the preceding sections of this Chapter, a Court issuing a summons to a witness may, in addition to and simultaneously with the issue of such summons, direct a copy of the summons to be served by registered post addressed to the witness at the place where he ordinarily resides or carries on business or personally works for gain.</p> <p>(2) When an acknowledgement purporting to be signed by the witness or an endorsement purporting to be made by a postal employee that the witness refused to take delivery of the summons has been received, the Court issuing the summons may declare that the summons has been duly served.</p> |
| <p>S.82. Procedure on arrest of person against whom warrant issued.</p> <p>(1) When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which</p> | <p>S.80. Procedure on arrest of person against whom warrant issued.</p> <p>When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued</p> |

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| <p>issued the warrant is within thirty kilometres of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 73, be taken before such Magistrate or District Superintendent or Commissioner.</p> <p>(2) On the arrest of any person referred to in sub-section (1), the police officer shall forthwith give the information regarding such arrest and the place where the arrested person is being held to the designated police officer in the district and to such officer of another district where the arrested person normally resides.</p> | <p>the warrant is within thirty kilometres of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 71, be taken before such Magistrate or District Superintendent or Commissioner.</p> |
| <p>S.84. Proclamation for person absconding.</p> <p>(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.</p> | <p>S.82. Proclamation for person absconding.</p> <p>(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing</p> |

(2) The proclamation shall be published as follows:-

(i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house;

(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence which is made punishable with imprisonment of ten years or more, or imprisonment for life or with death

such proclamation.

(2) The proclamation shall be published as follows:-

(i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house;

(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under section 302, 304, 364, 367, 382, 392, 393,

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| <p>under the Bharatiya Nyaya Sanhita, 2023 or under any other law for the time being in force, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.</p> <p>(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).</p> | <p>394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 or 460 of the Indian Penal Code (45 of 1860), and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.</p> <p>(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).</p> |
| <p>S. 86. Identification and attachment of property of Proclaimed person.</p> <p>The Court may, on the written request from a police officer not below the rank of the Superintendent of Police or Commissioner of Police, initiate the process of requesting assistance from a Court or an authority in the contracting State for identification, attachment and forfeiture of property belonging to a proclaimed person in accordance with the procedure provided in Chapter VIII.</p> | <p>-</p> |

S.94. Summons to produce document or other thing.

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed-
(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhinyam, 2023 or the Bankers' Books Evidence Act, 1891; or

S.91. Summons to produce document or other thing.

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed-
(a) to affect sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or the

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| <p>(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority.</p> | <p>Bankers' Books Evidence Act, 1891 (13 of 1891), or</p> <p>(b) to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the postal or telegraph authority.</p> |
| <p>S.105. Recording of search and seizure through audio-video electronic means.</p> <p>The process of conducting search of a place or taking possession of any property, article or thing under this Chapter or under section 185, including preparation of the list of all things seized in the course of such search and seizure and signing of such list by witnesses, shall be recorded through any audio-video electronic means preferably mobile phone and the police officer shall without delay forward such recording to the District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class.</p> | <p style="text-align: center;">-</p> |
| <p>S.107. Attachment, forfeiture or restoration of property.</p> <p>(1) Where a police officer making an investigation has reason to believe that any property is derived or obtained, directly or indirectly, as a result of a criminal activity or from the commission of any offence, he may, with the approval of the Superintendent of</p> | <p style="text-align: center;">-</p> |

Police or Commissioner of Police, make an application to the Court or the Magistrate exercising jurisdiction to take cognizance of the offence or commit for trial or try the case, for the attachment of such property.

(2) If the Court or the Magistrate has reasons to believe, whether before or after taking evidence, that all or any of such properties are proceeds of crime, the Court or the Magistrate may issue a notice upon such person calling upon him to show cause within a period of fourteen days as to why an order of attachment shall not be made.

(3) Where the notice issued to any person under sub-section (2) specifies any property as being held by any other person on behalf of such person, a copy of the notice shall also be served upon such other person.

(4) The Court or the Magistrate may, after considering the explanation, if any, to the show-cause notice issued under sub-section (2) and the material fact available before such Court or Magistrate and after giving a reasonable opportunity of being heard to such person or persons, may pass an order of attachment, in respect of those properties which are found to be the proceeds of crime:

Provided that if such person does not appear before the Court or the Magistrate or represent his case before the Court or Magistrate within a period of fourteen days specified in the show-cause notice, the Court or the Magistrate may proceed to pass the ex parte order.

(5) Notwithstanding anything contained in sub-section (2), if the Court or the Magistrate is of the opinion that issuance of notice under the said sub-section would defeat the object of attachment or seizure, the Court or Magistrate may by an interim order passed ex parte direct attachment or seizure of such property, and such order shall remain in force till an order under sub-section (6) is passed.

(6) If the Court or the Magistrate finds the attached or seized properties to be the proceeds of crime, the Court or the Magistrate shall by order direct the District Magistrate to rateably distribute such proceeds of crime to the persons who are affected by such crime.

(7) On receipt of an order passed under sub-section (6), the District Magistrate shall, within a period of sixty days distribute the proceeds of crime either by himself or authorise any officer subordinate to him to effect such distribution.

(8) If there are no claimants to receive such proceeds or no claimant is ascertainable or there is any surplus after satisfying the claimants, such proceeds of crime shall stand forfeited to the Government.

S.112. Letter of request to competent authority for investigation in a country or place outside India.

(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 deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his 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 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.

S.166A. Letter of request to competent authority for investigation in a country or place outside India.

(1) Notwithstanding anything contained in this Code, 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 deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his 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 and to forward all the evidence so taken or collected or the

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| <p>(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.</p> <p>(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Sanhita.</p> | <p>authenticated copies thereof or the thing so collected to the Court issuing such letter.</p> <p>(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.</p> <p>(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Chapter.</p> |
| <p>S.113. Letter of request from a country or place outside India to a Court or an authority for investigation in India.</p> <p>(1) Upon receipt of a letter of request from a Court or an 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 in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit -</p> <p>(i) forward the same to the Chief Judicial 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</p> | <p>S.166B. Letter of request from a country or place outside India to a Court or an authority for investigation in India.</p> <p>(1) Upon receipt of a letter of request from a Court or an 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 in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit -</p> <p>(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</p> |

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| <p>(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.</p> <p>(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.</p> | <p>cause the document or thing to be produced, or</p> <p>(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.</p> <p>(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.</p> |
| <p>S.127. Security for good behaviour from persons disseminating certain matters.</p> <p>(1) When an Executive Magistrate receives information that there is within his local jurisdiction any person who, within or without such jurisdiction,-</p> <p>(i) either orally or in writing or in any other manner, intentionally disseminates or attempts to disseminate or abets the dissemination of,-</p> <p>(a) any matter the publication of which is punishable under section 152 or section 196 or</p> | <p>S.108. Security for good behaviour from persons disseminating seditious matters.</p> <p>(1) When an Executive Magistrate receives information that there is within his local jurisdiction any person who, within or without such jurisdiction,-</p> <p>(i) either orally or in writing or in any other manner, intentionally disseminates or attempts to disseminate or abets the dissemination of,-</p> <p>(a) any matter the publication of which is punishable under section 124A or section</p> |

section 197 or section 299 of the Bharatiya Nyaya Sanhita, 2023; or

(b) any matter concerning a Judge acting or purporting to act in the discharge of his official duties which amounts to criminal intimidation or defamation under the Bharatiya Nyaya Sanhita, 2023;

(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 294 of the Bharatiya Nyaya Sanhita, 2023,

and the Magistrate is of opinion that there is sufficient ground for proceeding, the Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond or bail bond, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit.

(2) No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the rules laid down in the Press and Registration of Books Act, 1867 with reference to any matter contained in such

153A or section 153B or section 295A of the Indian Penal Code (45 of 1860), or

(b) any matter concerning a Judge acting or purporting to act in the discharge of his official duties which amounts to criminal intimidation or defamation under the Indian Penal Code (45 of 1860),

(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code (45 of 1860),

and the Magistrate is of opinion that there is sufficient ground for proceeding, the Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit.

(2) No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the rules laid down in the Press and Registration of Books Act, 1867

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| <p>publication except by the order or under the authority of the State Government or some officer empowered by the State Government in this behalf</p> | <p>(25 of 1867), with reference to any matter contained in such publication except by the order or under the authority of the State Government or some officer empowered by the State Government in this behalf.</p> |
| <p>S.130. Order to be made. When a Magistrate acting under section 126, section 127, section 128 or section 129, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the number of sureties, after considering the sufficiency and fitness of sureties.</p> | <p>S.111. Order to be made. When a Magistrate acting under section 107, section 108, section 109 or section 110, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.</p> |
| <p>S.145. Procedure. (1) Proceedings under section 144 may be taken against any person in any district-</p> <ul style="list-style-type: none"> (a) where he is; or (b) where he or his wife resides; or (c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child; or (d) where his father or mother resides. <p>Procedure. (2) All evidence in such proceedings shall be</p> | <p>S.126. Procedure. (1) Proceedings under section 125 may be taken against any person in any district-</p> <ul style="list-style-type: none"> (a) where he is, or (b) where he or his wife resides, or (c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child. <p>(2) All evidence in such proceedings shall be</p> |

taken in the presence of the person against whom an order for payment of maintenance is proposed to be made, or, when his personal attendance is dispensed with, in the presence of his advocate, and shall be recorded in the manner prescribed for summons-cases:

Provided that if the Magistrate is satisfied that the person against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Court, the Magistrate may proceed to hear and determine the case ex parte and any order so made may be set aside for good cause shown on an application made within three months from the date thereof subject to such terms including terms as to payment of costs to the opposite party as the Magistrate may think just and proper.

(3) The Court in dealing with applications under section 144 shall have power to make such order as to costs as may be just

taken in the presence of the person against whom an order for payment of maintenance is proposed to be made, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed for summons-cases:

Provided that if the Magistrate is satisfied that the person against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Court, the Magistrate may proceed to hear and determine the case ex parte and any order so made may be set aside for good cause shown on an application made within three months from the date thereof subject to such terms including terms as to payment of costs to the opposite party as the Magistrate may think just and proper.

(3) The Court in dealing with applications under section 125 shall have power to make such order as to costs as may be just

S.149. Use of armed forces to disperse assembly.

(1) If any assembly referred to in sub-section (1) of section 148 cannot otherwise be dispersed, and it is necessary for the public security that it should be dispersed, the

S.130. Use of armed forces to disperse assembly.

(1) If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Executive Magistrate of the highest rank who

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| <p>District Magistrate or any other Executive Magistrate authorised by him, who is present, may cause it to be dispersed by the armed forces.</p> <p>(2) Such Magistrate may require any officer in command of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under his command, and to arrest and confine such persons forming part of it as the Executive Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.</p> <p>(3) Every such officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.</p> | <p>is present may cause it to be dispersed by the armed forces.</p> <p>(2) Such Magistrate may require any officer in command of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under his command, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.</p> <p>(3) Every such officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.</p> |
| <p>S.151. Protection against prosecution for acts done under sections 148, 149 and 150.</p> <p>(1) No prosecution against any person for any act purporting to be done under section 148, section 149 or section 150 shall be instituted</p> | <p>S.132. Protection against prosecution for acts done under preceding sections.</p> <p>(1) No prosecution against any person for any act purporting to be done under section 129, section 130 or section 131 shall be instituted</p> |

in any Criminal Court except-

(a) with the sanction of the Central Government where such person is an officer or member of the armed forces;

(b) with the sanction of the State Government in any other case.

(2) (a) No Executive Magistrate or police officer acting under any of the said sections in good faith;

(b) no person doing any act in good faith in compliance with a requisition under section 148 or section 149;

(c) no officer of the armed forces acting under section 150 in good faith;

(d) no member of the armed forces doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

(3) In this section and in the preceding sections of this Chapter,-

(a) the expression "armed forces" means the army, naval and air forces, operating as land forces and includes any other armed forces of the Union so operating;

(b) "officer", in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and

in any Criminal Court except-

(a) with the sanction of the Central Government where such person is an officer or member of the armed forces;

(b) with the sanction of the State Government in any other case.

(2) (a) No Executive Magistrate or police officer acting under any of the said sections in good faith;

(b) no person doing any act in good faith in compliance with a requisition under section 129 or section 130;

(c) no officer of the armed forces acting under section 131 in good faith;

(d) no member of the armed forces doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

(3) In this section and in the preceding sections of this Chapter,-

(a) the expression "armed forces" means the military, naval and air forces, operating as land forces and includes any other armed forces of the Union so operating;

(b) "officer", in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and

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| <p>includes a Junior commissioned officer, a warrant officer, a petty officer, a non-commissioned officer and a non-gazetted officer;</p> <p>(c) "member", in relation to the armed forces, means a person in the armed forces other than an officer.</p> | <p>includes a Junior commissioned officer, a warrant officer, a petty officer, a noncommissioned officer and a non-gazetted officer;</p> <p>(c) "member", in relation to the armed forces, means a person in the armed forces other than an officer.</p> |
| <p>S.154. Person to whom order is addressed to obey or show cause.</p> <p>The person against whom such order is made shall-</p> <p>(a) perform, within the time and in the manner specified in the order, the act directed thereby;</p> <p>or</p> <p>(b) appear in accordance with such order and show cause against the same;</p> <p>and such appearance or hearing may be permitted through audio-video conferencing.</p> | <p>S.135. Person to whom order is addressed to obey or show cause.</p> <p>The person against whom such order is made shall-</p> <p>(a) perform, within the time and in the manner specified in the order, the act directed thereby; or</p> <p>(b) appear in accordance with such order and show cause against the same.</p> |
| <p>S.157. Procedure where person against whom order is made under section 152 appears to show cause.</p> <p>(1) If the person against whom an order under section 152 is made appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons-case.</p> | <p>S.138. Procedure where he appears to show cause.</p> <p>(1) If the person against whom an order under section 133 is made appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons-case.</p> |

| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, /973</i> |
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| <p>(2) If the Magistrate is satisfied that the order, either as originally made or subject to such modification as he considers necessary, is reasonable and proper, the order shall be made absolute without modification or, as the case may be, with such modification.</p> <p>(3) If the Magistrate is not so satisfied, no further proceedings shall be taken in the case:</p> <p style="padding-left: 40px;">Provided that the proceedings under this section shall be completed, as soon as possible, within a period of ninety days, which may be extended for the reasons to be recorded in writing, to one hundred and twenty days.</p> | <p>(2) If the Magistrate is satisfied that the order, either as originally made or subject to such modification as he considers necessary, is reasonable and proper, the order shall be made absolute without modification or, as the case may be, with such modification.</p> <p>(3) If the Magistrate is not so satisfied, no further proceedings shall be taken in the case.</p> |
| <p>S.162. Magistrate may prohibit repetition or continuance of public nuisance.</p> <p>A District Magistrate or Sub-divisional Magistrate, or any other Executive Magistrate or Deputy Commissioner of Police empowered by the State Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Bharatiya Nyaya Sanhita, 2023, or any special or local law.</p> | <p>S.143. Magistrate may prohibit repetition or continuance of public nuisance.</p> <p>A District Magistrate or Sub-divisional Magistrate, or any other Executive Magistrate empowered by the State Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code (45 of 1860), or any special or local law.</p> |
| <p>S.170. Arrest to prevent commission of cognizable offences.</p> <p>(1) A police officer knowing of a design to</p> | <p>S.151. Arrest to prevent the commission of cognizable offences.</p> <p>(1) A police officer knowing of a design to</p> |

commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

(2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Sanhita or of any other law for the time being in force.

commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

(2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Code or of any other law for the time being in force.

S.172. Persons bound to conform to lawful directions of police.

(1) All persons shall be bound to conform to the lawful directions of a police officer given in fulfilment of any of his duty under this Chapter.

(2) A police officer may detain or remove any person resisting, refusing, ignoring or disregarding to conform to any direction given by him under sub-section (1) and may either take such person before a Magistrate or, in petty cases, release him as soon as possible within a period of twenty-four hours.

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S.173. Information in cognizable cases.

(1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station, and if given -

(i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it,

and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf:

Provided that if the information is given by the woman against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, then such

S.154. Information in cognizable cases.

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:

Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB, section 376E or section 509 of the

information shall be recorded, by a woman police officer or any woman officer:

Provided further that -

(a) in the event that the person against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Magistrate under clause (a) of sub-section (6) of section 183 as soon as possible.

Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that -

(a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB, section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case maybe;

(b) the recording of such information shall be video graphed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant or the victim.

(3) Without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence,-

(i) proceed to conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within a period of fourteen days; or

(ii) proceed with investigation when there exists a prima facie case.

(4) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an

investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence failing which such aggrieved person may make an application to the Magistrate.

investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

S.174. Information as to non-cognizable cases and investigation of such cases.

(1) When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf, and, -

(i) refer the informant to the Magistrate;

(ii) forward the daily diary report of all such cases fortnightly to the Magistrate.

(2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

(3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest

S.155. Information as to non-cognizable cases and investigation of such cases.

(1) When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer the informant to the Magistrate.

(2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

(3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest

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| <p>without warrant) as an officer in charge of a police station may exercise in a cognizable case.</p> <p>(4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.</p> | <p>without warrant) as an officer in charge of a police station may exercise in a cognizable case.</p> <p>(4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.</p> |
| <p>S.175. Police officer's power to investigate cognizable case.</p> <p>(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIV:</p> <p>Provided that considering the nature and gravity of the offence, the Superintendent of Police may require the Deputy Superintendent of Police to investigate the case.</p> <p>(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.</p> | <p>S.156. Police officer's power to investigate cognizable case.</p> <p>(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.</p> <p>(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.</p> |

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| <p>(3) Any Magistrate empowered under section 210 may, after considering the application supported by an affidavit made under sub-section (4) of section 173, and after making such inquiry as he thinks necessary and submission made in this regard by the police officer, order such an investigation as above-mentioned.</p> <p>(4) Any Magistrate empowered under section 210, may, upon receiving a complaint against a public servant arising in course of the discharge of his official duties, order investigation, subject to—</p> <p>(a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and</p> <p>(b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged</p> | <p>(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.</p> |
| <p>S.176. Procedure for investigation.</p> <p>(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 175 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a</p> | <p>S.157. Procedure for investigation.</p> <p>(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such</p> |

police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that -

- (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;
- (b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case:

Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and

offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that -

- (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;
- (b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and

as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality and such statement may also be recorded through any audio-video electronic means including mobile phone.

(2) In each of the cases mentioned in clauses (a) and (b) of the first proviso to sub-section (1), the officer in charge of the police station shall state in his report the reasons for not fully complying with the requirements of that sub-section by him, and, forward the daily diary report fortnightly to the Magistrate and in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by rules made by the State Government.

(3) On receipt of every information relating to the commission of an offence which is made punishable for seven years or more, the officer in charge of a police station shall, from such date, as may be notified within a period of five years by the State Government in this regard, cause the forensic expert to visit the crime scene to collect forensic evidence in the offence and also cause videography of the

as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements of that subsection, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated.

process on mobile phone or any other electronic device:

Provided that where forensic facility is not available in respect of any such offence, the State Government shall, until the facility in respect of that matter is developed or made in the State, notify the utilisation of such facility of any other State.

S.179. Police officer's power to require attendance of witnesses.

(1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness

S.160. Police officer's power to require attendance of witnesses.

(1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or above the age of sixty-five years or a woman or a mentally or physically disabled person shall be required to attend at

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| <p>shall be required to attend at any place other than the place in which such person resides:</p> <p>Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.</p> <p>(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.</p> | <p>any place other than the place in which such male person or woman resides.</p> <p>(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.</p> |
| <p>S.183. Recording of confessions and statements.</p> <p>(1) Any Magistrate of the District in which the information about commission of any offence has been registered, may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards but before the commencement of the inquiry or trial:</p> <p>Provided that any confession or statement made under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of an offence:</p> | <p>S.164. Recording of confessions and statements.</p> <p>(1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:</p> <p>Provided that any confession or statement made under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of an offence:</p> |

Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(2) The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

(3) If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody.

(4) Any such confession shall be recorded in the manner provided in section 316 for recording the examination of an accused person and shall be signed by the person making the confession; and the Magistrate shall make a memorandum at the foot of such record to the following effect:-

"I have explained to (name) that he is not bound to make a confession and that, if he

Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(2) The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

(3) If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody.

(4) Any such confession shall be recorded in the manner provided in section 281 for recording the examination of an accused person and shall be signed by the person making the confession; and the Magistrate shall make a memorandum at the foot of such record to the following effect:-

"I have explained to (name) that he is not bound to make a confession and that, if he

does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A. B.
Magistrate."

(5) Any statement (other than a confession) made under sub-section (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is, in the opinion of the Magistrate, best fitted to the circumstances of the case; and the Magistrate shall have power to administer oath to the person whose statement is so recorded.

(6)(a) In cases punishable under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023, the Magistrate shall record the statement of the person against whom such offence has been committed in the manner specified in sub-section (5), as soon as

does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A. B.
Magistrate."

(5) Any statement (other than a confession) made under sub-section (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is, in the opinion of the Magistrate, best fitted to the circumstances of the case; and the Magistrate shall have power to administer oath to the person whose statement is so recorded.

(5A) (a) In cases punishable under section 354, section 354A, section 354B, section 354C, section 354D, sub-section (1) or sub-section (2) of section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376OB, section 376E or section 509 of the Indian Penal Code (45 of 1860), the Judicial Magistrate shall record the statement of the

the commission of the offence is brought to the notice of the police:

Provided that such statement shall, as far as practicable, be recorded by a woman Magistrate and in her absence by a male Magistrate in the presence of a woman:

Provided further that in cases relating to the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the police officer:

Provided also that if the person making the statement is temporarily or permanently, mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement:

Provided also that if the person making the statement is temporarily or permanently, mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be recorded through audio-video electronic means preferably by mobile phone;

person against whom such offence has been committed in the manner prescribed in sub-section (5), as soon as the commission of the offence is brought to the notice of the police:

Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement:

Provided further that if the person making the statement is temporarily or permanently mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be video-graphed.

| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, /973</i> |
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| <p>(b) a statement recorded under clause (a) of a person, who is temporarily or permanently, mentally or physically disabled, shall be considered a statement in lieu of examination-in-chief, as specified in section 142 of the Bharatiya Sakshya Adhiniyam, 2023 such that the maker of the statement can be cross-examined on such statement, without the need for recording the same at the time of trial.</p> <p>(7) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.</p> | <p>(b) A statement recorded under clause (a) of a person, who is temporarily or permanently mentally or physically disabled, shall be considered a statement in lieu of examination-in-chief, as specified in section 137 of the Indian Evidence Act, 1872 (1 of 1872) such that the maker of the statement can be cross-examined on such statement, without the need for recording the same at the time of trial.</p> <p>(6) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.</p> |
| <p>S.184. Medical examination of victim of rape.</p> <p>(1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical</p> | <p>S.164A. Medical examination of the victim of rape.</p> <p>(1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical</p> |

practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

(2) The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely:-

- (i) the name and address of the woman and of the person by whom she was brought;
- (ii) the age of the woman;
- (iii) the description of material taken from the person of the woman for DNA profiling;
- (iv) marks of injury, if any, on the person of the woman;
- (v) general mental condition of the woman; and
- (vi) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The report shall specifically record that the consent of the woman or of the person

practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

(2) The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely:-

- (i) the name and address of the woman and of the person by whom she was brought;
- (ii) the age of the woman;
- (iii) the description of material taken from the person of the woman for DNA profiling;
- (iv) marks of injury, if any, on the person of the woman;
- (v) general mental condition of the woman; and
- (vi) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The report shall specifically record that the consent of the woman or of the person

competent to give such consent on her behalf to such examination had been obtained.

(5) The exact time of commencement and completion of the examination shall also be noted in the report.

(6) The registered medical practitioner shall, within a period of seven days forward the report to the investigating officer who shall forward it to the Magistrate referred to in section 193 as part of the documents referred to in clause (a) of sub-section (6) of that section.

(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

Explanation.-For the purposes of this section, "examination" and "registered medical practitioner" shall have the same meanings as respectively assigned to them in section 51.

competent to give such consent on her behalf to such examination had been obtained.

(5) The exact time of commencement and completion of the examination shall also be noted in the report.

(6) The registered medical practitioner shall, without delay forward the report to the investigating officer who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.

(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

Explanation.-For the purposes of this section, "examination" and "registered medical practitioner" shall have the same meanings as in section 53.

S.185. Search by police officer.

(1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence

S.165. Search by police officer.

(1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence

which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief in the case-diary and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

(2) A police officer proceeding under sub-section (1), shall, if practicable, conduct the search in person:

Provided that the search conducted under this section shall be recorded through audio-video electronic means preferably by mobile phone.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the place to be searched, and so far as possible, the thing for which search is to be

which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

(2) A police officer proceeding under sub-section (1), shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the place to be searched, and so far as possible, the thing for

| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, /973</i> |
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| <p>made; and such subordinate officer may thereupon search for such thing in such place.</p> <p>(4) The provisions of this Sanhita as to search-warrants and the general provisions as to searches contained in section 103 shall, so far as may be, apply to a search made under this section.</p> <p>(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith, but not later than forty-eight hours, be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate.</p> | <p>which searches to be made; and such subordinate officer may thereupon search for such thing in such place.</p> <p>(4) The provisions of this Code as to search-warrants and the general provisions as to searches contained in section 100 shall, so far as may be, apply to a search made under this section.</p> <p>(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate.</p> |
| <p>S.187. Procedure when investigation cannot be completed in twenty-four hours.</p> <p>(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 58, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall</p> | <p>S.167. Procedure when investigation cannot be completed in twenty-four hours.</p> <p>(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 57, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector,</p> |

forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter specified relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, irrespective of whether he has or has no jurisdiction to try the case, after taking into consideration whether such person has not been released on bail or his bail has been cancelled, authorise, from time to time, the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole, or in parts, at any time during the initial forty days or sixty days out of detention period of sixty days or ninety days, as the case may be, as provided in sub-section (3), and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

(3) The Magistrate may authorise the detention of the accused person, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no

shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that

(a) the Magistrate may authorise the detention of the accused person, otherwise than in custody of the police, beyond the period of fifteen days, if he is satisfied that adequate

Magistrate shall authorise the detention of the accused person in custody under this sub-section for a total period exceeding-

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more;

(ii) sixty days, where the investigation relates to any other offence,

and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXV for the purposes of that Chapter.

(4) No Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the audio-video electronic means.

grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding-

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence,

and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;

(b) No Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage;

(5) No Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

Explanation 1.-For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in sub-section (3), the accused shall be detained in custody so long as he does not furnish bail.

Explanation 11.-If any question arises whether an accused person was produced before the Magistrate as required under sub-section (4), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the audio-video electronic means, as the case may be:

Provided that in case of a woman under eighteen years of age, the detention shall be authorised to be in the custody of a remand home or recognised social institution:

Provided further that no person shall be detained otherwise than in police station under police custody or in prison under judicial custody or a place declared as prison by the Central Government or the State Government.

(c) No Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

Explanation 1.- For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail.

Explanation II.- If any question arises whether an accused person was produced before the Magistrate as required under clause (b), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the medium of electronic video linkage, as the case may be.

Provided further that in case of a woman under eighteen years of age, the detention shall be authorised to be in the custody of a remand home or recognised social institution.

(6) Notwithstanding anything contained in sub-section (1) to sub-section (5), the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Magistrate have been conferred, a copy of the entry in the diary hereinafter specified relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in

(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan copy of the entry in the diary hereinafter n Magistrate have been conferred, aprescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in

sub-section (3):

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in charge of the police station or the police officer making the investigation, as the case may be.

(7) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(8) Any Magistrate other than the Chief Judicial Magistrate making such order shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate.

(9) If in any case triable by a Magistrate as a summons-case, the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interests of justice the continuation of the

computing the period specified in paragraph (a) of the proviso to sub-section (2):

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in charge of the police station or the police officer making the investigation, as the case may be.

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(4) Any Magistrate other than the Chief Judicial Magistrate making such order shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate.

(5) If in any case triable by a Magistrate as a summons-case, the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in

investigation beyond the period of six months is necessary.

(10) Where any order stopping further investigation into an offence has been made under sub-section (9), the Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, vacate the order made under sub-section (9) and direct further investigation to be made into the offence subject to such directions with regard to bail and other matters as he may specify.

S.190. Cases to be sent to Magistrate, when evidence is sufficient.

(1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day

the interests of justice the continuation of the investigation beyond the period of six months is necessary.

(6) Where any order stopping further investigation into an offence has been made under sub-section (5), the Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, vacate the order made under sub-section (5) and direct further investigation to be made into the offence subject to such directions with regard to bail and other matters as he may specify.

S.170. Cases to be sent to Magistrate, when evidence is sufficient.

(1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his

to day before such Magistrate until otherwise directed:

Provided that if the accused is not in custody, the police officer shall take security from such person for his appearance before the Magistrate and the Magistrate to whom such report is forwarded shall not refuse to accept the same on the ground that the accused is not taken in custody.

(2) When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any Court to

attendance from day to day before such Magistrate until otherwise directed.

(2) When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any Court to

which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

(4) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

S.193. Report of police officer on completion of investigation.

(1) Every investigation under this Chapter shall be completed without unnecessary delay.

(2) The investigation in relation to an offence under sections 64, 65, 66, 67, 68, 70, 71 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012 shall be completed within two months from the date on which the information was recorded by the officer in charge of the police station.

(3) (i) As soon as the investigation is completed, the officer in charge of the police station shall forward, including through electronic communication to a Magistrate

which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

(4) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

S.173. Report of police officer on completion of investigation.

(1) Every investigation under this Chapter shall be completed without unnecessary delay.

(1A) The investigation in relation to an offence under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E from the date on which the information was recorded by the officer in charge of the police station.

(2) (i) As soon as it is completed, the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in

empowered to take cognizance of the offence on a police report, a report in the form as the State Government may, by rules provide, stating-

- (a) the names of the parties;
- (b) the nature of the information;
- (c) the names of the persons who appear to be acquainted with the circumstances of the case;
- (d) whether any offence appears to have been committed and, if so, by whom;
- (e) whether the accused has been arrested;
- (f) whether the accused has been released on his bond or bail bond;
- (g) whether the accused has been forwarded in custody under section 190;
- (h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 64, 65, 66, 67, 68, 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023;
- (i) the sequence of custody in case of electronic device;
- (ii) the police officer shall, within a period of ninety days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim;

the form prescribed by the State Government, stating-

- (a) the names of the parties;
- (b) the nature of the information;
- (c) the names of the persons who appear to be acquainted with the circumstances of the case;
- (d) whether any offence appears to have been committed and, if so, by whom;
- (e) whether the accused has been arrested;
- (f) whether he has been released on his bond and, if so, whether with or without sureties;
- (g) whether he has been forwarded in custody under section 170.
- (h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the Indian Penal Code (45 of 1860).
- (ii) The officer shall also communicate, in such manner as may be prescribed by the

(iii) the officer shall also communicate, in such manner as the State Government may, by rules, provide, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

(4) Where a superior officer of police has been appointed under section 177, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.

(5) Whenever it appears from a report forwarded under this section that the accused has been released on his bond or bail bond, the Magistrate shall make such order for the discharge of such bond or bail bond or otherwise as he thinks fit.

(6) When such report is in respect of a case to which section 190 applies, the police officer shall forward to the Magistrate along with the report-

(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

(3) Where a superior officer of police has been appointed under section 158, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.

(4) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

(5) When such report is in respect of a case to which section 170 applies, the police officer shall forward to the Magistrate along with the report-

(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(b) the statements recorded under section 180 of all the persons whom the prosecution proposes to examine as its witnesses.

(7) If the police officer is of opinion that any part of any such statement is not relevant to the subject matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

(8) Subject to the provisions contained in sub-section (7), the police officer investigating the case shall also submit such number of copies of the police report along with other documents duly indexed to the Magistrate for supply to the accused as required under section 230:

Provided that supply of report and other documents by electronic communication shall be considered as duly served.

(9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge

(b) the statements recorded under section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

(6) If the police officer is of opinion that any part of any such statement is not relevant to the subject-matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

(7) Where the police officer investigating the case finds it convenient so to do, he may furnish to the accused copies of all or any of the documents referred to in sub-section (5).

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in

of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):

Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.

S.194. Police to enquire and report on suicide, etc.

(1) When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the

charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).

S.174. Police to enquire and report on suicide, etc.

(1) When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation

nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule made by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forwarded to the District Magistrate or the Sub-divisional Magistrate within twenty-four hours.

(3) When -

- (i) the case involves suicide by a woman within seven years of her marriage; or
- (ii) the case relates to the death of a woman within seven years of her marriage

thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

(3) When -

- (i) the case involves suicide by a woman within seven years of her marriage; or
- (ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion

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| <p>in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or</p> <p>(iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or</p> <p>(iv) there is any doubt regarding the cause of death; or</p> <p>(v) the police officer for any other reason considers it expedient so to do,</p> <p>he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical person appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.</p> <p>(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.</p> | <p>that some other person committed an offence in relation to such woman; or</p> <p>(iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or</p> <p>(iv) there is any doubt regarding the cause of death; or</p> <p>(v) the police officer for any other reason considers it expedient so to do,</p> <p>he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.</p> <p>(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.</p> |
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S.195. Power to summon persons.

(1) A police officer proceeding under section 194 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case and every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture:

Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place where such person resides:

Provided further that if such person is willing to attend and answer at the police station, such person may be permitted so to do.

(2) If the facts do not disclose a cognizable offence to which section 190 applies, such persons shall not be required by the police officer to attend a Magistrate's Court.

S.175. Power to summon persons.

(1) A police officer proceeding under section 174 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case and every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(2) If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the police officer to attend a Magistrate's Court.

S.201. Place of trial in case of certain offences.

(1) Any offence of dacoity, or of dacoity with murder, of belonging to a gang of dacoits, or of escaping from custody, may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the accused person is found.

(2) Any offence of kidnapping or abduction of a person may be inquired into or tried by a Court within whose local jurisdiction the person was kidnapped or abducted or was conveyed or concealed or detained.

(3) Any offence of theft, extortion or robbery may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property which is the subject of the offence was possessed by any person committing it or by any person who received or retained such property knowing or having reason to believe it to be stolen property.

(4) Any offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property which is the subject of the

S.181. Place of trial in case of certain offences.

(1) Any offence of being a thug, or murder committed by a thug, of dacoity, of dacoity with murder, of belonging to a gang of dacoits, or of escaping from custody, may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the accused person is found.

(2) Any offence of kidnapping or abduction of a person may be inquired into or tried by a Court within whose local jurisdiction the person was kidnapped or abducted or was conveyed or concealed or detained.

(3) Any offence of theft, extortion or robbery may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property which is the subject of the offence was possessed by any person committing it or by any person who received or retained such property knowing or having reason to believe it to be stolen property.

(4) Any offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property which is the subject of the

| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, 1973</i> |
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| <p>offence was received or retained, or was required to be returned or accounted for, by the accused person.</p> <p>(5) Any offence which includes the possession of stolen property may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property was possessed by any person who received or retained it knowing or having reason to believe it to be stolen property.</p> | <p>offence was received or retained, or was required to be returned or accounted for, by the accused person.</p> <p>(5) Any offence which includes the possession of stolen property may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property was possessed by any person who received or retained it knowing or having reason to believe it to be stolen property.</p> |
| <p>S.202. Offences committed by means of electronic communications, letters, etc</p> <p>(1) Any offence which includes cheating, may, if the deception is practised by means of electronic communications or letters or telecommunication messages, be inquired into or tried by any Court within whose local jurisdiction such electronic communications or letters or messages were sent or were received; and any offence of cheating and dishonestly inducing delivery of property may be inquired into or tried by a Court within whose local jurisdiction the property was delivered by the person deceived or was received by the accused person.</p> <p>(2) Any offence punishable under section 82</p> | <p>S.182. Offences committed by letters, etc.</p> <p>(1) Any offence which includes cheating may, if the deception is practised by means of letters or telecommunication messages, be inquired into or tried by any Court within whose local jurisdiction such letters or messages were sent or were received; and any offence of cheating and dishonestly inducing delivery of property may be inquired into or tried by a Court within whose local jurisdiction the property was delivered by the person deceived or was received by the accused person.</p> <p>(2) Any offence punishable under section 494</p> |

| <i>THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, /973</i> |
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| <p>of the Bharatiya Nyaya Sanhita, 2023 may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the offender last resided with his or her spouse by the first marriage, or the wife by the first marriage has taken up permanent residence after the commission of the offence.</p> | <p>or section 495 of the Indian Penal Code (45 of 1860) may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the offender last resided with his or her spouse by the first marriage , or the wife by the first marriage has taken up permanent residence after the commission of the offence.</p> |
| <p>S.208. Offence committed outside India When an offence is committed outside India - (a) by a citizen of India, whether on the high seas or elsewhere; or (b) by a person, not being such citizen, on any ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found or where the offence is registered in India: Provided that, notwithstanding anything in any of the preceding sections of this Chapter, no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government.</p> | <p>S.188. Offence committed outside India. When an offence is committed outside India - (a) by a citizen of India, whether on the high seas or elsewhere; or (b) by a person, not being such citizen, on any ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found: Provided that, notwithstanding anything in any of the preceding sections of this Chapter, no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government.</p> |
| <p>S.209. Receipt of evidence relating to offences committed outside India. When any offence alleged to have been</p> | <p>S.189. Receipt of evidence relating to offences committed outside India. When any offence alleged to have been</p> |

| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, 1973</i> |
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| <p>committed in a territory outside India is being inquired into or tried under the provisions of section 208, the Central Government may, if it thinks fit, direct that copies of depositions made or exhibits produced, either in physical form or in electronic form, before a judicial officer, in or for that territory or before a diplomatic or consular representative of India in or for that territory shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate</p> | <p>committed in a territory outside India is being inquired into or tried under the provisions of section 188, the Central Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before a Judicial officer in or for that territory or before a diplomatic or consular representative of India in or for that territory shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.</p> |
| <p>S.210. Cognizance of offences by Magistrates.</p> <p>(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence-</p> <p>(a) upon receiving a complaint of facts, including any complaint filed by a person authorised under any special law, which constitutes such offence;</p> <p>(b) upon a police report (submitted in any mode including electronic mode) of such</p> | <p>S.190. Cognizance of offences by Magistrates.</p> <p>(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence-</p> <p>(a) upon receiving a complaint of facts which constitute such offence;</p> <p>(b) upon a police report of such facts;</p> |

| <i>THE BHARAT/YA NA GARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, 1973</i> |
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| <p>facts;</p> <p>(c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.</p> <p>(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.</p> | <p>(c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.</p> <p>(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.</p> |
| <p>S.215. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.</p> <p>(1) No Court shall take cognizance-</p> <p>(a) (i) of any offence punishable under sections 206 to 223 (both inclusive but excluding section 209) of the Bharatiya Nyaya Sanhita, 2023; or</p> <p style="padding-left: 40px;">(ii) of any abetment of, or attempt to commit, such offence; or</p> <p style="padding-left: 40px;">(iii) of any criminal conspiracy to commit such offence,</p> <p style="padding-left: 40px;">except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate or of some other public servant</p> | <p>S.195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.</p> <p>(1) No Court shall take cognizance-</p> <p>(a) (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, (45 of 1860), or</p> <p style="padding-left: 40px;">(ii) of any abetment of, or attempt to commit, such offence, or</p> <p style="padding-left: 40px;">(iii) of any criminal conspiracy to commit such offence,</p> <p style="padding-left: 40px;">except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;</p> |

who is authorised by the concerned public servant so to do;

(b) (i) of any offence punishable under any of the following sections of the Bharatiya Nyaya Sanhita, 2023, namely, sections 229 to 233 (both inclusive), 236, 237, 242 to 248 (both inclusive) and 267, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court; or

(ii) of any offence described in sub-section (1) of section 336, or punishable under sub-section (2) of section 340 or section 342 of the said Sanhita, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court; or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii),

except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.

(2) Where a complaint has been made by a public servant or by some other public servant who has been authorised to do so by him

(b) (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii),

except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.

(2) Where a complaint has been made by a public servant under clause (a) of sub-section (1) any authority to which he is

under clause (a) of sub-section (1), any authority to which he is administratively subordinate or who has authorised such public servant, may, order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint:

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

(3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central or State Act if declared by that Act to be a Court for the purposes of this section.

(4) For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the Principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate:

Provided that -

administratively subordinate may order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint:

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

(3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, Provincial or State Act if declared by that Act to be a Court for the purpose of this section.

(4) For the purpose of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate:

Provided that -

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| <p>(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;</p> <p>(b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.</p> | <p>(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;</p> <p>(b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.</p> |
| <p>S.218. Prosecution of Judges and public servants.</p> <p>(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction save as otherwise provided in the Lokpal and Lokayuktas Act, 2013 -</p> <p>(a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed,</p> | <p>S.197. Prosecution of Judges and public servants.</p> <p>(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction save as otherwise provided in the Lokpal and Lokayuktas Act, 2013 (1 of 2014) -</p> <p>(a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed,</p> |

in connection with the affairs of the Union, of the Central Government;

(b) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of a State, of the State Government:

Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted:

Provided further that such Government shall take a decision within a period of one hundred and twenty days from the date of the receipt of the request for sanction and in case it fails to do so, the sanction shall be deemed to have been accorded by such Government:

Provided also that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 64, section 65, section 66, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77,

in connection with the affairs of the Union, of the Central Government;

(b) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of a State, of the State Government:

Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted.

Explanation.-For the removal of doubts it is hereby declared that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 166A, section 166B, section 354, section 354A, section 354B, section

section 78, section 79, section 143, section 199 or section 200 of the Bharatiya Nyaya Sanhita, 2023.

(2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government.

(3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply to such class or category of the members of the Forces charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section will apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

(4) Notwithstanding anything contained in sub-section (3), no Court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the

354C, section 354D, section 370, section 375, section 376A, section 376AB, section 376C, section 376DA, section 376DB or section 509 of the Indian Penal Code (45 of 1860).

(2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government.

(3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply to such class or category of the members of the Forces charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section will apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

(3A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the

period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(5) The Central Government or the State Government, may determine the person by whom, the manner in which, and the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held.

period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(3B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance taken by a court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991 (43 of 1991), receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in the State, shall be invalid and it shall be competent for the Central Government in such matter to accord sanction and for the court to take cognizance thereon.

(4) The Central Government or the State Government, as the case may be, may determine the person by whom, the manner in which, and the offence or offences for which, the prosecution of such Judge, Magistrate or

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| | <p>public servant is to be conducted, and may specify the Court before which the trial is to be held.</p> |
| <p>S.219. Prosecution for offences against marriage.</p> <p>(1) No Court shall take cognizance of an offence punishable under sections 81 to 84 (both inclusive) of the Bharatiya Nyaya Sanhita, 2023 except upon a complaint made by some person aggrieved by the offence:</p> <p style="padding-left: 40px;">Provided that -</p> <p>(a) where such person is a child, or is of unsound mind or is having intellectual disability requiring higher support needs, or is from sickness or infirmity unable to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, some other person may, with the leave of the Court, make a complaint on his or her behalf;</p> <p>(b) where such person is the husband and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in</p> | <p>S.198. Prosecution for offences against marriage.</p> <p>(1) No Court shall take cognizance of an offence punishable under Chapter XX of the Indian Penal Code (45 of 1860) except upon a complaint made by some person aggrieved by the offence:</p> <p style="padding-left: 40px;">Provided that -</p> <p>(a) where such person is under the age of eighteen years, or is an idiot or a lunatic, or is from sickness or infirmity unable to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, some other person may, with the leave of the Court, make a complaint on his or her behalf;</p> <p>(b) where such person is the husband and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in</p> |

accordance with the provisions of sub-section (4) may make a complaint on his behalf;
(c) where the person aggrieved by an offence punishable under section 82 of the Bharatiya Nyaya Sanhita, 2023 is the wife, complaint may be made on her behalf by her father, mother, brother, sister, son or daughter or by her father's or mother's brother or sister, or, with the leave of the Court, by any other person related to her by blood, marriage or adoption.

(2) For the purposes of sub-section (1), no person other than the husband of the woman shall be deemed to be aggrieved by any offence punishable under section 84 of the Bharatiya Nyaya Sanhita, 2023.

(3) When in any case falling under clause (a) of the proviso to sub-section (1), the complaint is sought to be made on behalf of a child or of a person of unsound mind by a person who has not been appointed or declared by a competent authority to be the guardian of the child, or of the person of

accordance with the provisions of sub-section (4) may make a complaint on his behalf;
(c) where the person aggrieved by an offence punishable under section 494 or section 495 of the Indian Penal Code (45 of 1860) is the wife, complaint may be made on her behalf by her father, mother, brother, sister, son or daughter or by her father's or mother's brother or sister, or, with the leave of the Court, by any other person related to her by blood, marriage or adoption.

(2) For the purposes of sub-section (1), no person other than the husband of the woman shall be deemed to be aggrieved by any offence punishable under section 497 or section 498 of the said Code:

Provided that in the absence of the husband, some person who had care of the woman on his behalf at the time when such offence was committed may, with the leave of the Court, make a complaint on his behalf.

(3) When in any case falling under clause (a) of the proviso to sub-section (1), the complaint is sought to be made on behalf of a person under the age of eighteen years or of a lunatic by a person who has not been appointed or declared by a competent authority to be the guardian of the person of

unsound mind, and the Court is satisfied that there is a guardian so appointed or declared, the Court shall, before granting the application for leave, cause notice to be given to such guardian and give him a reasonable opportunity of being heard.

(4) The authorisation referred to in clause (b) of the proviso to sub-section (1), shall be in writing, shall be signed or otherwise attested by the husband, shall contain a statement to the effect that he has been informed of the allegations upon which the complaint is to be founded, shall be countersigned by his Commanding Officer, and shall be accompanied by a certificate signed by that Officer to the effect that leave of absence for the purpose of making a complaint in person cannot for the time being be granted to the husband.

(5) Any document purporting to be such an authorisation and complying with the provisions of sub-section (4), and any document purporting to be a certificate required by that sub-section shall, unless the contrary is proved, be presumed to be genuine and shall be received in evidence.

(6) No Court shall take cognizance of an offence under section 64 of the Bharatiya

the minor or lunatic, and the Court is satisfied that there is a guardian so appointed or declared, the Court shall, before granting the application for leave, cause notice to be given to such guardian and give him a reasonable opportunity of being heard.

(4) The authorisation referred to in clause (b) of the proviso to sub-section (1), shall be in writing, shall be signed or otherwise attested by the husband, shall contain a statement to the effect that he has been informed of the allegations upon which the complaint is to be founded, shall be countersigned by his Commanding Officer, and shall be accompanied by a certificate signed by that Officer to the effect that leave of absence for the purpose of making a complaint in person cannot for the time being be granted to the husband.

(5) Any document purporting to be such an authorisation and complying with the provisions of sub-section (4), and any document purporting to be a certificate required by that sub-section shall, unless the contrary is proved, be presumed to be genuine and shall be received in evidence.

(6) No Court shall take cognizance of an offence under section 376 of the Indian Penal

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| <p>Nyaya Sanhita, 2023, where such offence consists of sexual intercourse by a man with his own wife, the wife being under eighteen years of age, if more than one year has elapsed from the date of the commission of the offence.</p> <p>(7) The provisions of this section apply to the abetment of, or attempt to commit, an offence as they apply to the offence.</p> | <p>Code (45 of 1860), where such offence consists of sexual intercourse by a man with his own wife, the wife being under eighteen years of age, if more than one year has elapsed from the date of the commission of the offence.</p> <p>(7) The provisions of this section apply to the abetment of, or attempt to commit, an offence as they apply to the offence.</p> |
| <p>S.223. Examination of complainant.</p> <p>(1) A Magistrate having jurisdiction while taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:</p> <p style="padding-left: 40px;">Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:</p> <p style="padding-left: 40px;">Provided further that when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses-</p> <p>(a) if a public servant acting or purporting to act in the discharge of his official duties or a</p> | <p>S.200. Examination of complainant.</p> <p>A Magistrate taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:</p> <p style="padding-left: 40px;">Provided that, when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses-</p> <p>(a) if a public servant acting or purporting to act in the discharge of his official duties or a</p> |

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| <p>Court has made the complaint; or</p> <p>(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 212:</p> <p>Provided also that if the Magistrate makes over the case to another Magistrate under section 212 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.</p> <p>(2) A Magistrate shall not take cognizance on a complaint against a public servant for any offence alleged to have been committed in course of the discharge of his official functions or duties unless -</p> <p>(a) such public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged; and</p> <p>(b) a report containing facts and circumstances of the incident from the officer superior to such public servant is received.</p> | <p>Court has made the complaint; or</p> <p>(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 192:</p> <p>Provided further that if the Magistrate makes over the case to another Magistrate under section 192 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.</p> |
| <p>S.227. Issue of process.</p> <p>(1) If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be -</p> | <p>S.204. Issue of process.</p> <p>(1) If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be -</p> <p>(a) a summons-case, he shall issue his</p> |

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| <p>(a) a summons-case, he shall issue summons to the accused for his attendance; or</p> <p>(b) a warrant-case, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has no jurisdiction himself) some other Magistrate having jurisdiction:</p> <p>Provided that summons or warrants may also be issued through electronic means.</p> <p>(2) No summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.</p> <p>(3) In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (1) shall be accompanied by a copy of such complaint.</p> <p>(4) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued until the fees are paid and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.</p> <p>(5) Nothing in this section shall be deemed to affect the provisions of section 90.</p> | <p>summons for the attendance of the accused, or</p> <p>(b) a warrant-case, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has no jurisdiction himself) some other Magistrate having jurisdiction.</p> <p>(2) No summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.</p> <p>(3) In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (1) shall be accompanied by a copy of such complaint.</p> <p>(4) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued until the fees are paid and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.</p> <p>(5) Nothing in this section shall be deemed to affect the provisions of section 87</p> |
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S. 230. Supply to the accused of copy of police report and other documents.

In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay, and in no case beyond fourteen days from the date of production or appearance of the accused, furnish to the accused and the victim (if represented by an advocate) free of cost, a copy of each of the following:-

- (i) the police report;
- (ii) the first information report recorded under section 173;
- (iii) the statements recorded under sub-section (3) of section 180 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (7) of section 193;
- (iv) the confessions and statements, if any, recorded under section 183;
- (v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (6) of section 193:

Provided that the Magistrate may, after perusing any such part of a statement as is

S. 207. Supply to the accused of copy of police report and other documents.

In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:

- (i) the police report;
- (ii) the first information report recorded under section 154;
- (iii) the statements recorded under sub-section (3) of section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding there from any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6) of section 173;
- (iv) the confessions and statements, if any, recorded under section 164;
- (v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (5) of section 173:

Provided that the Magistrate may, after perusing any such part of a statement as is

referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused:

Provided further that if the Magistrate is satisfied that any such document is voluminous, he shall, instead of furnishing the accused and the victim (if represented by an advocate) with a copy thereof, may furnish the copies through electronic means or direct that he will only be allowed to inspect it either personally or through an advocate in Court:

Provided also that supply of documents in electronic form shall be considered as duly furnished.

S.231. Supply of copies of statements and documents to accused in other cases triable by Court of Session.

Where, in a case instituted otherwise than on a police report, it appears to the Magistrate issuing process under section 227 that the offence is triable exclusively by the Court of Session, the Magistrate shall forthwith furnish to the accused, free of cost, a copy of each of the following:

referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused:

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

S.208. Supply of copies of statements and documents to accused in other cases triable by Court of Session.

Where, in a case instituted otherwise than on a police report, it appears to the Magistrate issuing process under section 204 that the offence is triable exclusively by the Court of Session, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:

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| <p>(i) the statements recorded under section 223 or section 225, of all persons examined by the Magistrate;</p> <p>(ii) the statements and confessions, if any, recorded under section 180 or section 183;</p> <p>(iii) any documents produced before the Magistrate on which the prosecution proposes to rely:</p> <p>Provided that if the Magistrate is satisfied that any such document is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through an advocate in Court:</p> <p>Provided further that supply of documents in electronic form shall be considered as duly furnished.</p> | <p>(i) the statements recorded under section 200 or section 202, of all persons examined by the Magistrate;</p> <p>(ii) the statements and confessions, if any, recorded under section 161 or section 164;</p> <p>(iii) any documents produced before the Magistrate on which the prosecution proposes to rely:</p> <p>Provided that if the Magistrate is satisfied that any such document is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.</p> |
| <p>S.232. Commitment of case to Court of Session when offence is triable exclusively</p> <p>When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall</p> <p>—</p> | <p>S.209. Commitment of case to Court of Session when offence is triable exclusively</p> <p>When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall</p> <p>—</p> |

(a) commit, after complying with the provisions of section 230 or section 231 the case to the Court of Session, and subject to the provisions of this Sanhita relating to bail, remand the accused to custody until such commitment has been made;

(b) subject to the provisions of this Sanhita relating to bail, remand the accused to custody during, and until the conclusion of, the trial;

(c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;

(d) notify the Public Prosecutor of the commitment of the case to the Court of Session:

Provided that the proceedings under this section shall be completed within a period of ninety days from the date of taking cognizance, and such period may be extended by the Magistrate for a period not exceeding one hundred and eighty days for the reasons to be recorded in writing:

Provided further that any application filed before the Magistrate by the accused or the victim or any person authorised by such person in a case triable by Court of Session,

(a) commit, after complying with the provisions of section 207 or section 208, as the case may be, the case to the Court of Session, and subject to the provisions of this Code relating to bail, remand the accused to custody until such commitment has been made;

(b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;

(c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;

(d) notify the Public Prosecutor of the commitment of the case to the Court of Session.

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| <p>shall be forwarded to the Court of Session with the committal of the case.</p> | |
| <p>S.242. Offences of same kind within one year may be charged together.</p> <p>(1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, whether in respect of the same person or not, he may be charged with, and tried at one trial for, any number of them not exceeding five.</p> <p>(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Bharatiya Nyaya Sanhita, 2023 or of any special or local law:</p> <p>Provided that for the purposes of this section, an offence punishable under sub-section (2) of section 303 of the Bharatiya Nyaya Sanhita, 2023 shall be deemed to be an offence of the same kind as an offence punishable under section 305 of the said Sanhita, and that an offence punishable under any section of the said Sanhita, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to</p> | <p>S.219. Three offences of same kind within year may be charged together.</p> <p>(1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, whether in respect of the same person or not, he may be charged with, and tried at one trial for, any number of them not exceeding three.</p> <p>(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code (45 of 1860) or of any special or local law:</p> <p>Provided that, for the purposes of this section, an offence punishable under section 379 of the Indian Penal Code (45 of 1860) shall be deemed to be an offence of the same kind as an offence punishable under section 380 of the said Code, and that an offence punishable under any section of the said Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.</p> |

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| <p>commit such offence, when such an attempt is an offence.</p> | |
| <p>S.249. Opening case for prosecution.</p> <p>When the accused appears or is brought before the Court, in pursuance of a commitment of the case under section 232, or under any other law for the time being in force, the prosecutor shall open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.</p> | <p>S.226. Opening case for prosecution.</p> <p>When the accused appears or is brought before the Court in pursuance of a commitment of the case under section 209, the prosecutor shall open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.</p> |
| <p>S.250. Discharge.</p> <p>(1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232.</p> <p>(2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.</p> | <p>S.227. Discharge.</p> <p>If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.</p> |

S.251. Framing of charge.

(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which -

(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;

(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused within a period of sixty days from the date of first hearing on charge.

(2) Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused present either physically or through audio-video electronic means and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

S.228. Framing of charge.

(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which -

(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;

(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.

(2) Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

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| <p>S.254. Evidence for prosecution.</p> <p>(1) On the date so fixed, the Judge shall proceed to take all such evidence as may be produced in support of the prosecution:</p> <p>Provided that evidence of a witness under this sub-section may be recorded by audio-video electronic means.</p> <p>(2) The deposition of evidence of any public servant may be taken through audio-video electronic means.</p> <p>(3) The Judge may, in his discretion, permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.</p> | <p>S.231. Evidence for prosecution.</p> <p>(1) On the date so fixed, the Judge shall proceed to take all such evidence as may be produced in support of the prosecution.</p> <p>(2) The Judge may, in his discretion, permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.</p> |
| <p>S.258. Judgment of acquittal or conviction.</p> <p>(1) After hearing arguments and points of law (if any), the Judge shall give a judgment in the case, as soon as possible, within a period of thirty days from the date of completion of arguments, which may be extended to a period of forty-five days for reasons to be recorded in writing.</p> <p>(2) If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of section 401, hear the accused on</p> | <p>S.235. Judgment of acquittal or conviction.</p> <p>(1) After hearing arguments and points of law (if any), the Judge shall give a judgment in the case.</p> <p>(2) If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of section 360, hear the</p> |

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| <p>the questions of sentence, and then pass sentence on him according to law.</p> | <p>accused on the questions of sentence, and then pass sentence on him according to law.</p> |
| <p>S.262. When accused shall be discharged. (1) The accused may prefer an application for discharge within a period of sixty days from the date of supply of copies of documents under section 230. (2) If, upon considering the police report and the documents sent with it under section 193 and making such examination, if any, of the accused, either physically or through audio-video electronic means, as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.</p> | <p>S.239. When accused shall be discharged. If, upon considering the police report and the documents sent with it under section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.</p> |
| <p>S.263. Framing of charge. (1) If, upon such consideration, examination, if any, and hearing, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused</p> | <p>S.240. Framing of charge. (1) If, upon such consideration, examination, if any, and hearing, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by</p> |

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| <p>within a period of sixty days from the date of first hearing on charge.</p> <p>(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty of the offence charged or claims to be tried.</p> | <p>him, he shall frame in writing a charge against the accused.</p> <p>(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty of the offence charged or claims to be tried.</p> |
| <p>S.265. Evidence for prosecution.</p> <p>(1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 264, the Magistrate shall fix a date for the examination of witnesses:</p> <p>Provided that the Magistrate shall supply in advance to the accused, the statement of witnesses recorded during investigation by the police.</p> <p>(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.</p> <p>(3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution:</p> <p>Provided that the Magistrate may permit the cross-examination of any witness to be deferred until any other witness or witnesses</p> | <p>S.242. Evidence for prosecution.</p> <p>(1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 241, the Magistrate shall fix a date for the examination of witnesses:</p> <p>Provided that the Magistrate shall supply in advance to the accused, the statement of witnesses recorded during investigation by the police.</p> <p>(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.</p> <p>(3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution:</p> <p>Provided that the Magistrate may permit the cross-examination of any witness to be deferred until any other witness or witnesses</p> |

have been examined or recall any witness for further cross-examination:

Provided further that the examination of a witness under this sub-section may be done by audio-video electronic means at the designated place to be notified by the State Government.

have been examined or recall any witness for further cross-examination.

S.269. Procedure where accused is not discharged.

(1) If, when such evidence has been taken, or at any previous stage of the case, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty or has any defence to make.

(3) If the accused pleads guilty, the Magistrate shall record the plea, and may, in his discretion, convict him thereon.

(4) If the accused refuses to plead, or does not plead or claims to be tried or if the accused is

S.246. Procedure where accused is not discharged.

(1) If, when such evidence has been taken, or at any previous stage of the case, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty or has any defence to make.

(3) If the accused pleads guilty, the Magistrate shall record the plea, and may, in his discretion, convict him thereon.

(4) If the accused refuses to plead, or does not plead or claims to be tried or if the accused is

not convicted under sub-section (3), he shall be required to state, at the commencement of the next hearing of the case, or, if the Magistrate for reasons to be recorded in writing so thinks fit, forthwith, whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken.

(5) If he says he does so wish, the witnesses named by him shall be recalled and, after cross-examination and re-examination (if any), they shall be discharged.

(6) The evidence of any remaining witnesses for the prosecution shall next be taken, and after cross-examination and re-examination (if any), they shall also be discharged.

(7) Where, despite giving opportunity to the prosecution and after taking all reasonable measures under this Sanhita, if the attendance of the prosecution witnesses under sub-sections (5) and (6) cannot be secured for cross-examination, it shall be deemed that such witness has not been examined for not being available, and the Magistrate may close the prosecution evidence for reasons to be recorded in writing and proceed with the case on the basis of the materials on record.

not convicted under sub-section (3), he shall be required to state, at the commencement of the next hearing of the case, or, if the Magistrate for reasons to be recorded in writing so thinks fit, forthwith, whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken.

(5) If he says he does so wish, the witnesses named by him shall be recalled and, after cross-examination and re-examination (if any), they shall be discharged.

(6) The evidence of any remaining witnesses for the prosecution shall next be taken, and after cross-examination and re-examination (if any), they shall also be discharged.

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| <p>S.272. Absence of complainant.</p> <p>When the proceedings have been instituted upon complaint, and on any day fixed for the hearing of the case, the complainant is absent, and the offence may be lawfully compounded or is not a cognizable offence, the Magistrate may after giving thirty days' time to the complainant to be present, in his discretion, notwithstanding anything herein-before contained, at any time before the charge has been framed, discharge the accused.</p> | <p>S.249. Absence of complainant.</p> <p>When the proceedings have been instituted upon complaint, and on any day fixed for the hearing of the case, the complainant is absent, and the offence may be lawfully compounded or is not a cognizable offence, the Magistrate may, in his discretion, notwithstanding anything herein-before contained, at any time before the charge has been framed, discharge the accused.</p> |
| <p>S. 274. Substance of accusation to be stated.</p> <p>When in a summons-case the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked whether he pleads guilty or has any defence to make, but it shall not be necessary to frame a formal charge:</p> <p>Provided that if the Magistrate considers the accusation as groundless, he shall, after recording reasons in writing, release the accused and such release shall have the effect of discharge.</p> | <p>S.251. Substance of accusation to be stated.</p> <p>When in a summons-case the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked whether he pleads guilty or has any defence to make, but it shall not be necessary to frame a formal charge.</p> |
| <p>S.283. Power to try summarily.</p> <p>(1) Notwithstanding anything contained in this Sanhita-</p> | <p>S.260. Power to try summarily.</p> <p>(1) Notwithstanding anything contained in this Code-</p> |

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| <p>(a) any Chief Judicial Magistrate;</p> <p>(b) Magistrate of the first class,</p> <p>shall try in a summary way all or any of the following offences:-</p> <p>(i) theft, under sub-section (2) of section 303, section 305 or section 306 of the Bharatiya Nyaya Sanhita, 2023 where the value of the property stolen does not exceed twenty thousand rupees;</p> <p>(ii) receiving or retaining stolen property, under sub-section (2) of section 317 of the Bharatiya Nyaya Sanhita, 2023, where the value of the property does not exceed twenty thousand rupees;</p> <p>(iii) assisting in the concealment or disposal of stolen property under sub-section (5) of section 317 of the Bharatiya Nyaya Sanhita, 2023, where the value of such property does not exceed twenty thousand rupees;</p> <p>(iv) offences under sub-sections (2) and (3) of section 331 of the Bharatiya Nyaya Sanhita, 2023;</p> | <p>(a) any Chief Judicial Magistrate;</p> <p>(b) any Metropolitan Magistrate;</p> <p>(c) any Magistrate of the first class specially empowered in this behalf by the High Court, may, if he thinks fit, try in a summary way all or any of the following offences:-</p> <p>(i) offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years;</p> <p>(ii) theft, under section 379, section 380 or section 381 of the Indian Penal Code (45 of 1860), where the value of the property stolen does not exceed two thousand rupees;</p> <p>(iii) receiving or retaining stolen property, under section 411 of the Indian Penal Code (45 of 1860), where the value of the property does not exceed two thousand rupees;</p> <p>(iv) assisting in the concealment or disposal of stolen property, under section 414 of the Indian Penal Code (45 of 1860), where the value of such property does not exceed two thousand rupees;</p> <p>(v) offences under sections 454 and 456 of the Indian Penal Code (45 of 1860);</p> |
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(v) insult with intent to provoke a breach of the peace, under section 352, and criminal intimidation, under sub-sections (2) and (3) of section 351 of the Bharatiya Nyaya Sanhita, 2023;

(vi) abetment of any of the foregoing offences;

(vii) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(viii) any offence constituted by an act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871.

(2) The Magistrate may, after giving the accused a reasonable opportunity of being heard, for reasons to be recorded in writing, try in a summary way all or any of the offences not punishable with death or imprisonment for life or imprisonment for a term exceeding three years:

Provided that no appeal shall lie against the decision of a Magistrate to try a case in a summary way under this sub-section.

(3) When, in the course of a summary trial it appears to the Magistrate that the nature of the case is such that it is undesirable to try it

(vi) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation punishable with imprisonment for a term which may extend to two years, or with fine, or with both, under section 506 of the Indian Penal Code (45 of 1860);

(vii) abetment of any of the foregoing offences;

(viii) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(ix) any offence constituted by an act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 (1 of 1871).

(2) When, in the course of a summary trial it appears to the Magistrate that the nature of the case is such that it is undesirable to try it

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| <p>summarily, the Magistrate shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by this Sanhita.</p> | <p>summarily, the Magistrate shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by this Code.</p> |
| <p>S.290. Application for plea bargaining.</p> <p>(1) A person accused of an offence may file an application for plea bargaining within a period of thirty days from the date of framing of charge in the Court in which such offence is pending for trial.</p> <p>(2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in which he had been charged with the same offence.</p> <p>(3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of</p> | <p>S.265B. Application for plea bargaining.</p> <p>(1) A person accused of an offence may file an application for plea bargaining in the Court in which such offence is pending for trial.</p> <p>(2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in a case in which he had been charged with the same offence.</p> <p>(3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case, as the case may be, and to the</p> |

the case and to the accused to appear on the date fixed for the case.

(4) When the Public Prosecutor or the complainant of the case and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where-

(a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time, not exceeding sixty days, to the Public Prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

(b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Sanhita

accused to appear on the date fixed for the case.

(4) When the Public Prosecutor or the complainant of the case, as the case may be, and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where-

(a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time to the Public Prosecutor or the complainant of the case, as the case may be, and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

(b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Code from the stage such application has been filed under sub-section (1).

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| <p>from the stage such application has been filed under sub-section (1).</p> | |
| <p>S.293. Disposal of the case.</p> <p>Where a satisfactory disposition of the case has been worked out under section 292, the Court shall dispose of the case in the following manner, namely:</p> <p>(a) the Court shall award the compensation to the victim in accordance with the disposition under section 292 and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct or after admonition under section 401 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 or any other law for the time being in force and follow the procedure specified in the succeeding clauses for imposing the punishment on the accused;</p> <p>(b) after hearing the parties under clause (a), if the Court is of the view that section 401 or the provisions of the Probation of Offenders Act, 1958 or any other law for the time being in force are attracted in the case of the accused, it may release the accused on</p> | <p>S.265E. Disposal of the case.</p> <p>Where a satisfactory disposition of the case has been worked out under section 265D, the Court shall dispose of the case in the following manner, namely:</p> <p>(a) the Court shall award the compensation to the victim in accordance with the disposition under section 265D and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct or after admonition under section 360 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force and follow the procedure specified in the succeeding clauses for imposing the punishment on the accused;</p> <p>(b) after hearing the parties under clause (a), if the Court is of the view that section 360 or the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force are attracted in the case of the accused, it may release the accused on probation or provide</p> |

probation or provide the benefit of any such law;

(c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may sentence the accused to half of such minimum punishment, and where the accused is a first-time offender and has not been convicted of any offence in the past, it may sentence the accused to one-fourth of such minimum punishment;

(d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable for such offence and where the accused is a first-time offender and has not been convicted of any offence in the past, it may sentence the accused to one-sixth of the punishment provided or extendable, for such offence.

the benefit of any such law, as the case may be;

(c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may sentence the accused to half of such minimum punishment;

(d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable, as the case may be, for such offence.

S.303. Power of State Government or Central Government to exclude certain persons from operation of section 302.

(1) The State Government or the Central Government, as the case may be, may, at any time, having regard to the matters specified in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined or detained, and thereupon, so long as the order remains in force, no order made under section 302, whether before or after the order of the State Government or the Central Government, shall have effect in respect of such person or class of persons.

(2) Before making an order under sub-section (1), the State Government or the Central Government in the cases instituted by its central agency, as the case may be, shall have regard to the following matters, namely:-

(a) the nature of the offence for which, or the grounds on which, the person or class of persons has been ordered to be confined or detained in prison;

(b) the likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;

S.268. Power of State Government to exclude certain persons from operation of section 267.

(1) The State Government may, at any time, having regard to the matters specified in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined or detained, and thereupon, so long as the order remains in force, no order made under section 267, whether before or after the order of the State Government, shall have effect in respect of such person or class of persons.

(2) Before making an order under sub-section (1), the State Government shall have regard to the following matters, namely:-

(a) the nature of the offence for which, or the grounds on which, the person or class of persons has been ordered to be confined or detained in prison;

(b) the likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;

| (c) the public interest, generally. | (c) the public interest, generally. |
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| <p>S.316. Record of examination of accused.</p> <p>(1) Whenever the accused is examined by any Magistrate, or by a Court of Session, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full by the presiding Judge or Magistrate himself or where he is unable to do so owing to a physical or other incapacity, under his direction and superintendence by an officer of the Court appointed by him in this behalf.</p> <p>(2) The record shall, if practicable, be in the language in which the accused is examined or, if that is not practicable, in the language of the Court.</p> <p>(3) The record shall be shown or read to the accused, or, if he does not understand the language in which it is written, shall be</p> | <p>S.281. Record of examination of accused.</p> <p>(1) Whenever the accused is examined by a Metropolitan Magistrate, the Magistrate shall make a memorandum of the substance of the examination of the accused in the language of the Court and such memorandum shall be signed by the Magistrate and shall form part of the record.</p> <p>(2) Whenever the accused is examined by any Magistrate other than a Metropolitan Magistrate, or by a Court of Session, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full by the presiding Judge or Magistrate himself or where he is unable to do so owing to a physical or other incapacity, under his direction and superintendence by an officer of the Court appointed by him in this behalf.</p> <p>(3) The record shall, if practicable, be in the language in which the accused is examined or, if that is not practicable, in the language of the Court.</p> <p>(4) The record shall be shown or read to the accused, or, if he does not understand the language in which it is written, shall be</p> |

interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(4) It shall thereafter be signed by the accused and by the Magistrate or presiding Judge, who shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused:

Provided that where the accused is in custody and is examined through electronic communication, his signature shall be taken within seventy-two hours of such examination.

(5) Nothing in this section shall be deemed to apply to the examination of an accused person in the course of a summary trial.

interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(5) It shall thereafter be signed by the accused and by the Magistrate or presiding Judge, who shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused.

(6) Nothing in this section shall be deemed to apply to the examination of an accused person in the course of a summary trial.

S.329. Reports of certain Government scientific experts.

(1) Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Sanhita,

293. Reports of certain Government scientific experts.

(1) Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code,

may be used as evidence in any inquiry, trial or other proceeding under this Sanhita.

(2) The Court may, if it thinks fit, summon and examine any such expert as to the subject-matter of his report.

(3) Where any such expert is summoned by a Court, and he is unable to attend personally, he may, unless the Court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such officer is conversant with the facts of the case and can satisfactorily depose in Court on his behalf.

(4) This section applies to the following Government scientific experts, namely:-

- (a) any Chemical Examiner or Assistant Chemical Examiner to Government;
- (b) the Chief Controller of Explosives;
- (c) the Director of the Finger Print Bureau;
- (d) the Director, Hafslake Institute, Bombay;
- (e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;
- (f) the Serologist to the Government;
- (g) any other scientific expert specified or certified, by notification, by the State

may be used as evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinks fit, summon and examine any such expert as to the subject-matter of his report.

(3) Where any such expert is summoned by a Court, and he is unable to attend personally, he may, unless the Court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such officer is conversant with the facts of the case and can satisfactorily depose in Court on his behalf.

(4) This section applies to the following Government scientific experts, namely:-

- (a) any Chemical Examiner or Assistant Chemical Examiner to Government;
- (b) the Chief Controller of Explosives;
- (c) the Director of the Finger Print Bureau;
- (d) the Director, Hafslake Institute, Bombay;
- (e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;
- (f) the Serologist to the Government;
- (g) any other Government scientific expert specified, by notification, by the Central Government for this purpose.

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| Government or the Central Government for this purpose | |
| <p>S.330. No formal proof of certain documents.</p> <p>(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused or the advocate for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document soon after supply of such documents and in no case later than thirty days after such supply:</p> <p style="padding-left: 40px;">Provided that the Court may, in its discretion, relax the time limit with reasons to be recorded in writing:</p> <p style="padding-left: 40px;">Provided further that no expert shall be called to appear before the Court unless the report of such expert is disputed by any of the parties to the trial.</p> <p>(2) The list of documents shall be in such form as the State Government may, by rules, provide.</p> <p>(3) Where the genuineness of any document is not disputed, such document may be read in evidence in any inquiry, trial or other</p> | <p>S.294. No formal proof of certain documents.</p> <p>(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused, as the case may be, or the pleader for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document.</p> <p>(2) The list of documents shall be in such form as be prescribed by the State Government.</p> <p>(3) Where the genuineness of any document is not disputed, such document may be read</p> |

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| <p>proceeding under this Sanhita without proof of the signature of the person by whom it purports to be signed:</p> <p style="padding-left: 40px;">Provided that the Court may, in its discretion, require such signature to be proved.</p> | <p>in evidence in inquiry, trial or other proceeding under this Code without proof of the signature of the person to whom it purports to be signed:</p> <p style="padding-left: 40px;">Provided that the Court may, in its discretion, require such signature to be proved.</p> |
| <p>S.336. Evidence of public servants, experts, police officers in certain cases.</p> <p>Where any document or report prepared by a public servant, scientific expert or medical officer is purported to be used as evidence in any inquiry, trial or other proceeding under this Sanhita, and -</p> <p style="padding-left: 40px;">(i) such public servant, expert or officer is either transferred, retired, or died; or</p> <p style="padding-left: 40px;">(ii) such public servant, expert or officer cannot be found or is incapable of giving deposition; or</p> <p style="padding-left: 40px;">(iii) securing presence of such public servant, expert or officer is likely to cause delay in holding the inquiry, trial or other proceeding,</p> <p style="padding-left: 40px;">the Court shall secure presence of successor officer of such public servant, expert, or officer who is holding that post at the time of such deposition to give deposition on such document or report:</p> | <p>-</p> |

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| <p>Provided that no public servant, scientific expert or medical officer shall be called to appear before the Court unless the report of such public servant, scientific expert or medical officer is disputed by any of the parties of the trial or other proceedings:</p> <p>Provided further that the deposition of such successor public servant, expert or officer may be allowed through audio-video electronic means.</p> | |
| <p>S.341. Legal aid to accused at State expense in certain cases.</p> <p>(1) Where, in a trial or appeal before a Court, the accused is not represented by an advocate, and where it appears to the Court that the accused has not sufficient means to engage an advocate, the Court shall assign an advocate for his defence at the expense of the State.</p> <p>(2) The High Court may, with the previous approval of the State Government, make rules providing for -</p> <p>(a) the mode of selecting advocates for defence under sub-section (1);</p> <p>(b) the facilities to be allowed to such advocates by the Courts;</p> | <p>304. Legal aid to accused at State expense in certain cases.</p> <p>(1) Where, in a trial before the Court of Session, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.</p> <p>(2) The High Court may, with the previous approval of the State Government, make rules providing for -</p> <p>(a) the mode of selecting pleaders for defence under sub-section (1);</p> <p>(b) the facilities to be allowed to such pleaders by the Courts;</p> |

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| <p>(c) the fees payable to such advocates by the Government, and generally, for carrying out the purposes of sub-section (1).</p> <p>(3) The State Government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of sub-sections (1) and (2) shall apply in relation to any class of trials before other Courts in the State as they apply in relation to trials before Courts of Session.</p> | <p>(c) the fees payable to such pleaders by the Government, and generally, for carrying out the purposes of sub-section (1).</p> <p>(3) The State Government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of sub-sections (1) and (2) shall apply in relation to any class of trials before other Courts in the State as they apply in relation to trials before Courts of Session.</p> |
| <p>S.343. Tender of pardon to accomplice.</p> <p>(1) With a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to an offence to which this section applies, the Chief Judicial Magistrate at any stage of the investigation or inquiry into, or the trial of, the offence, and the Magistrate of the first class inquiring into or trying the offence, at any stage of the inquiry or trial, may tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof.</p> | <p>S.306. Tender of pardon to accomplice.</p> <p>(1) With a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to an offence to which this section applies, the Chief Judicial Magistrate or a Metropolitan Magistrate at any stage of the investigation or inquiry into, or the trial of, the offence, and the Magistrate of the first class inquiring into or trying the offence, at any stage of the inquiry or trial, may tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof.</p> |

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| <p>(2) This section applies to -</p> <p>(a) any offence triable exclusively by the Court of Session or by the Court of a Special Judge appointed under any other law for the time being in force;</p> <p>(b) any offence punishable with imprisonment which may extend to seven years or with a more severe sentence.</p> <p>(3) Every Magistrate who tenders a pardon under sub-section (1) shall record-</p> <p>(a) his reasons for so doing;</p> <p>(b) whether the tender was or was not accepted by the person to whom it was made, and shall, on application made by the accused, furnish him with a copy of such record free of cost.</p> <p>(4) Every person accepting a tender of pardon made under sub-section (1) -</p> <p>(a) shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence and in the subsequent trial, if any;</p> <p>(b) shall, unless he is already on bail, be detained in custody until the termination of the trial.</p> <p>(5) Where a person has accepted a tender of pardon made under sub-section (1) and has been examined under sub-section (4), the</p> | <p>(2) This section applies to -</p> <p>(a) any offence triable exclusively by the Court of Session or by the Court of a Special Judge appointed under the Criminal Law Amendment Act, 1952 (46 of 1952);</p> <p>(b) any offence punishable with imprisonment which may extend to seven years or with a more severe sentence.</p> <p>(3) Every Magistrate who tenders a pardon under sub-section (1) shall record-</p> <p>(a) his reasons for so doing;</p> <p>(b) whether the tender was or was not accepted by the person to whom it was made, and shall, on application made by the accused, furnish him with a copy of such record free of cost.</p> <p>(4) Every person accepting a tender of pardon made under sub-section (1) -</p> <p>(a) shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence and in the subsequent trial, if any;</p> <p>(b) shall, unless he is already on bail, be detained in custody until the termination of the trial.</p> <p>(5) Where a person has accepted a tender of pardon made under sub-section (1) and has been examined under sub-section (4), the</p> |
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| <p>Magistrate taking cognizance of the offence shall, without making any further inquiry in the case -</p> <p>(a) commit it for trial -</p> <p>(i) to the Court of Session if the offence is triable exclusively by that Court or if the Magistrate taking cognizance is the Chief Judicial Magistrate;</p> <p>(ii) to a Court of Special Judge appointed under any other law for the time being in force, if the offence is triable exclusively by that Court;</p> <p>(b) in any other case, make over the case to the Chief Judicial Magistrate who shall try the case himself.</p> | <p>Magistrate taking cognizance of the offence shall, without making any further inquiry in the case -</p> <p>(a) commit it for trial -</p> <p>(i) to the Court of Session if the offence is triable exclusively by that Court or if the Magistrate taking cognizance is the Chief Judicial Magistrate;</p> <p>(ii) to a Court of Special Judge appointed under the Criminal Law Amendment Act, 1952 (46 of 1952), if the offence is triable exclusively by that Court;</p> <p>(b) in any other case, make over the case to the Chief Judicial Magistrate who shall try the case himself.</p> |
| <p>S.346. Power to postpone or adjourn proceedings.</p> <p>(1) In every inquiry or trial the proceedings shall be continued from day-to-day basis 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:</p> <p>Provided that when the inquiry or trial relates to an offence under section 64, section 65, section 66, section 67, section 68, section 70</p> | <p>S.309. Power to postpone or adjourn proceedings.</p> <p>(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:</p> <p>Provided that when the inquiry or trial relates to an offence under section 376, section 376A, section 376AB,, section 376B,</p> |

or section 71 of the Bharatiya Nyaya Sanhita, 2023 the inquiry or trial shall be completed within a period of two months from the date of filing of the chargesheet.

(2) If the court, after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Provided that no Court shall remand an accused person to custody under this section for a term exceeding fifteen days at a time:

Provided further that when witnesses are in attendance, no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded in writing:

Provided also that no adjournment shall be granted for the purpose only of enabling the accused person to show cause against the sentence proposed to be imposed on him:

Provided also that -

section 376C, section 376D, section 376DA or section DB of the Indian Penal Code (45 of 1860), the inquiry or trial shall be completed within a period of two months from the date of filing of the charge sheet.

(2) If the court, after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time:

Provided further that when witnesses are in attendance, no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded in writing:

Provided also that no adjournment shall be granted for the purpose only of enabling the accused person to show cause against the sentence proposed to be imposed on him.

Provided also that -

(a) no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party;

(b) where the circumstances are beyond the control of a party, not more than two adjournments may be granted by the Court after hearing the objections of the other party and for the reasons to be recorded in writing;

(c) the fact that the advocate of a party is engaged in another Court, shall not be a ground for adjournment;

(d) where a witness is present in Court but a party or his advocate is not present or the party or his advocate though present in Court, is not ready to examine or cross-examine the witness, the Court may, if thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be.

Explanation 1.- If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

(a) no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party;

(b) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment;

(c) where a witness is present in Court but a party or his pleader is not present or the party or his pleader though present in Court, is not ready to examine or cross-examine the witness, the Court may, if thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be.

Explanation 1.- If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Explanation 2.- The terms on which an

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| <p>Explanation 2.-The terms on which an adjournment or postponement may be granted include, in appropriate cases, the payment of costs by the prosecution or the accused.</p> | <p>adjournment or postponement may be granted include, in appropriate cases, the payment of costs by the prosecution or the accused.</p> |
| <p>S.349. Power of Magistrate to order person to give specimen signatures or handwriting. If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Sanhita, it is expedient to direct any person, including an accused person, to give specimen signatures or finger impressions or handwriting or voice sample, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or finger impressions or handwriting or voice sample:</p> <p style="padding-left: 40px;">Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding:</p> <p style="padding-left: 40px;">Provided further that the Magistrate may, for the reasons to be recorded in writing, order any person to give such specimen or sample without him being arrested.</p> | <p>S.311A. Power of Magistrate to order person to give specimen signatures or handwriting. If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Code, it is expedient to direct any person, including an accused person, to give specimen signatures or handwriting, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or handwriting:</p> <p style="padding-left: 40px;">Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.</p> |

S.355. Provision for inquiries and trial being held in the absence of accused in certain cases.

(1) At any stage of an inquiry or trial under this Sanhita, if the Judge or Magistrate is satisfied, for reasons to be recorded, that the personal attendance of the accused before the Court is not necessary in the interests of justice, or that the accused persistently disturbs the proceedings in Court, the Judge or Magistrate may, if the accused is represented by an advocate, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(2) If the accused in any such case is not represented by an advocate, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.

Explanation.-For the purpose of this section, personal attendance of the accused includes attendance through audio-video electronic means.

S.317. Provision for inquiries and trial being held in the absence of accused in certain cases.

(1) At any stage of an inquiry or trial under this Code, if the Judge or Magistrate is satisfied, for reasons to be recorded, that the personal attendance of the accused before the Court is not necessary in the interests of justice, or that the accused persistently disturbs the proceedings in Court, the Judge or Magistrate may, if the accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.

S. 356. Inquiry, trial or judgment in absentia of proclaimed offender.

(1) Notwithstanding anything contained in this Sanhita or in any other law for the time being in force, when a person declared as a proclaimed offender, whether or not charged jointly, has absconded to evade trial and there is no immediate prospect of arresting him, it shall be deemed to operate as a waiver of the right of such person to be present and tried in person, and the Court shall, after recording reasons in writing, in the interest of justice, proceed with the trial in the like manner and with like effect as if he was present, under this Sanhita and pronounce the judgment:

Provided that the Court shall not commence the trial unless a period of ninety days has lapsed from the date of framing of the charge.

(2) The Court shall ensure that the following procedure has been complied with before proceeding under sub-section (1), namely:-

- (i) issuance of two consecutive warrants of arrest within the interval of at least thirty days;
- (ii) publish in a national or local daily newspaper circulating in the place of his last known address of residence, requiring the proclaimed offender to appear before the Court for trial and informing him that in case

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he fails to appear within thirty days from the date of such publication, the trial shall commence in his absence;

(iii) inform his relative or friend, if any, about the commencement of the trial; and

(iv) affix information about the commencement of the trial on some conspicuous part of the house or homestead in which such person ordinarily resides and display in the police station of the district of his last known address of residence.

(3) Where the proclaimed offender is not represented by any advocate, he shall be provided with an advocate for his defence at the expense of the State.

(4) Where the Court, competent to try the case or commit for trial, has examined any witnesses for prosecution and recorded their depositions, such depositions shall be given in evidence against such proclaimed offender on the inquiry into, or in trial for, the offence with which he is charged:

Provided that if the proclaimed offender is arrested and produced or appears before the Court during such trial, the Court may, in the interest of justice, allow him to examine any evidence which may have been taken in his absence.

(5) Where a trial is related to a person under this section, the deposition and examination of the witness, may, as far as practicable, be recorded by audio-video electronic means preferably mobile phone and such recording shall be kept in such manner as the Court may direct.

(6) In prosecution for offences under this Sanhita, voluntary absence of accused after the trial has commenced under sub-section (1) shall not prevent continuing the trial including the pronouncement of the judgment even if he is arrested and produced or appears at the conclusion of such trial.

(7) No appeal shall lie against the judgment under this section unless the proclaimed offender presents himself before the Court of appeal:

Provided that no appeal against conviction shall lie after the expiry of three years from the date of the judgment.

(8) The State may, by notification, extend the provisions of this section to any absconder mentioned in sub-section (1) of section 84.

S.357. Procedure where accused does not understand proceedings

If the accused, though not a person of unsound mind, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such proceedings result in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

S.318. Procedure where accused does not understand proceedings.

If the accused, though not of unsound mind, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such proceedings result in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Bharatiya Nagarik Suraksha Sanhita, 2023**[CHAPTER XXVI I****GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS****Section 359 Compounding of offences**

(1) The offences punishable under the sections of the Bharatiya Nyaya Sanhita, 2023 specified in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:-

TABLE

| Offence | Section | Person by whom offence may be compounded |
|--|-----------------------|---|
| 1 | 2 | 3 |
| Enticing or taking away or detaining with criminal intent a married woman. | 84 | The husband of the woman and the woman. |
| Voluntarily causing hurt. | 115(2) | The person to whom the hurt is caused. |
| Voluntarily causing hurt on provocation. | 122(1) | The person to whom the hurt is caused. |
| Voluntarily causing grievous hurt on grave and sudden provocation. | 122(2) | The person to whom the hurt is caused. |
| Wrongfully restraining or confining any person. | 126(2), 127(2) | The person restrained or confined. |
| Wrongfully confining a person for three days or more | 127(3) | The person confined. |
| Wrongfully confining a person for ten days or more. | 127(4) | The person confined. |
| Wrongfully confining a person in secret. | 127(6) | The person confined. |
| Assault or use of criminal force. | 131, 133,136 | The person assaulted or to whom criminal force is used. |

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| Uttering words, etc., with Uttering words, etc., with the religious feelings of any person. | 302 | The person whose religious feelings are intended to be wounded. |
| Theft | 303(2) | The owner of the property stolen. |
| Dishonest misappropriation of property | 314 | The owner of the property misappropriated |
| Criminal breach of trust by a carrier, wharfinger, etc. | 316(3) | The owner of the property in respect of which the breach of trust has been committed. |
| Dishonestly receiving stolen property knowing it to be stolen. | 317(2) | The owner of the property stolen |
| Assisting in the concealment or disposal of stolen property, knowing it to be stolen. | 317(5) | The owner of the property stolen |
| Cheating | 318(2) | The person cheated. |
| Cheating by personation. | 319(2) | The person cheated. |
| Fraudulent removal or concealment of property, etc., to prevent distribution among creditors. | 320 | The creditors who are affected thereby. |

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| Fraudulently preventing from being made available for his creditors a debt or demand due to the offender. | 321 | The creditors who are affected thereby. |
| Fraudulent execution of deed of transfer containing false statement of consideration. | 322 | The person affected thereby. |
| Fraudulent removal or concealment of property. | 323 | The person affected thereby. |
| Mischief, when the only loss or damage caused is loss or damage caused is person | 324(2), 324(4) | The person to whom the loss or damage is caused. |
| Mischief by killing or maiming animal. | 325 | The owner of the animal. |
| Mischief by injury to works of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to private person. | 326(a) | The person to whom the loss or damage is caused. |
| Criminal trespass. | 329(3) | The person in possession of the property trespassed upon. |
| House-trespass. | 329(4) | The person in possession of the property trespassed upon. |

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| House-trespass to commit an offence (other than theft) punishable with imprisonment. | 332(c) | The person in possession of the house trespassed upon. |
| Using a false trade or property mark. | 345(3) | The person to whom loss or injury is caused by such use. |
| Counterfeiting a property mark used by another. | 347(1) | The person to whom loss or injury is caused by such use. |
| Selling goods marked with a counterfeit property mark. | 349 | The person to whom loss or injury is caused by such use. |
| Criminal intimidation. | 351(2), 351(3) | The person intimidated. |
| Insult intended to provoke a breach of peace. | 352 | The person insulted. |
| Inducing person to believe himself an object of divine displeasure. | 354 | The person induced. |
| Defamation, except such cases as are specified against section 356(2) of the Bharatiya Nyaya Sanhita, 2023, column 1 of the Table under sub-section (2). | 356(2) | The person defamed. |
| Printing or engraving matter, knowing it to be defamatory. | 356(3) | The person defamed. |

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| Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter. | 356(4) | The person defamed. |
| Criminal breach of contract of service. | 357 | The person with whom the offender has contracted. |
| <p>(2) The offences punishable under the sections of the Bharatiya Nyaya Sanhita, 2023 specified in the first two columns of the Table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of that Table:-</p> <p style="text-align: center;">Table</p> | | |
| Offence | Section | Person by whom offence may be compounded |
| 1 | 2 | 3 |
| Word, gesture or act intended to insult the modesty of a woman. | 79 | The woman whom it was intended to insult or whose privacy was intruded upon. |
| Marrying again during the life-time of a husband or wife. | 82(1) | The husband or wife of the person so marrying. |
| Causing miscarriage. | 88 | The woman to whom miscarriage is caused. |

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| Voluntarily causing grievous hurt | 117(2) | The person to whom hurt is caused |
| Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others. | 125(a) | The person to whom hurt is caused |
| Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others. | 125(b) | The person to whom hurt is caused |
| Assault or criminal force in attempting wrongfully to confine a person. | 135 | The person assaulted or to whom the force was used. |
| Theft, by clerk or servant of property in possession of master. | 306 | The owner of the property stolen |
| Criminal breach of trust. | 316(2) | The owner of the property in respect of which breach of trust has been committed. |
| Criminal breach of trust by a clerk or servant. | 316(4) | The owner of the property in respect of which the breach of trust has been committed. |
| Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect. | 318(3) | The person cheated. |

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| Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security. | 318(4) | The person cheated. |
| Defamation against the President or the Vice-President or the Governor of the State or the Administrator of the Union territory or a Minister in respect of his public functions when instituted upon a complaint made by the public prosecutor. | 356(2) | The person defamed. |
| <p>(3) When an offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under sub-section (5) of section 3 or section 190 of the Bharatiya Nyaya Sanhita, 2023, may be compounded in like manner.</p> <p>(4) (a) When the person who would otherwise be competent to compound an offence under this section is a child or of unsound mind, any person competent to contract on his behalf may, with the permission of the Court, compound such offence;</p> <p style="padding-left: 40px;">(a) When the person who would otherwise be competent to compound an offence under this section is dead, the legal representative, as defined in the Code of Civil Procedure, 1908 of such person may, with the consent of the Court, compound such offence.</p> <p>(5) When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.</p> | | |

(6) A High Court or Court of Session acting in the exercise of its powers of revision under section 442 may allow any person to compound any offence which such person is competent to compound under this section.

(7) No offence shall be compounded if the accused is, by reason of a previous conviction, liable either to enhanced punishment or to a punishment of a different kind for such offence.

(8) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(9) No offence shall be compounded except as provided by this section.

THE CODE OF CRIMINAL PROCEDURE, 1973

CHAPTER XXIV

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS

Section. 320. Compounding of offences.

(1) The offences punishable under the sections of the Indian Penal Code (45 of 1860) specified in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:-

TABLE

| Offence | IPC Section | Compoundable By |
|---|--------------------|---|
| 1 | 2 | 3 |
| Uttering words, etc., with deliberate intent to wound the religious feelings of any person. | 298 | The person whose religious feelings are intended to be wounded. |
| Voluntarily causing hurt. | 323 | The person to whom the hurt is caused. |

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| Voluntarily causing hurt on provocation. | 334 | Ditto. |
| Voluntarily causing grievous hurt on grave and sudden provocation. | 335 | The person to whom the hurt is caused. |
| Wrongfully restraining or confining any person. | 341, 342 | The person restrained or confined. |
| Wrongfully confining a person for three days or more | 343 | The person confined. |
| Wrongfully confining a person for ten days or more. | 344 | Ditto. |
| Wrongfully confining a person in secret. | 346 | Ditto. |
| Assault or use of criminal force. | 352, 355, 358 | The person assaulted or to whom criminal force is used. |
| Theft. | 379 | The owner of the property stolen. |
| Dishonest misappropriation of property. | 403 | The owner of the property misappropriated. |
| Criminal breach of trust by a carrier, wharfinger, etc. | 407 | The owner of the property in respect of which the breach of trust has been committed. |
| Dishonestly receiving stolen property knowing it to be stolen. | 411 | The owner of the property stolen. |

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| Assisting in the concealment or disposal of stolen property, knowing it to be stolen. | 414 | Ditto. |
| Cheating. | 417 | The person cheated. |
| Cheating by personation. | 419 | Ditto. |
| Fraudulent removal or concealment of property, etc., to prevent distribution among creditors. | 421 | The creditors who are affected thereby. |
| Fraudulently preventing from being made available for his creditors a debt or demand due to the offender. | 422 | Ditto. |
| Fraudulent execution of deed of transfer containing false statement of consideration. | 423 | The person affected thereby. |
| Fraudulent removal or concealment of property. | 424 | Ditto. |
| Mischief, when the only loss or damage caused is loss or damage to a private person. | 426, 427 | The person to whom the loss or damage is caused. |
| Mischief by killing or maiming animal. | 428 | The owner of the animal |
| Mischief by killing or maiming cattle, etc. | 429 | The owner of the cattle or animal. |

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| Mischief by injury to works of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to private person. | 430 | The person to whom the loss or damage is caused. |
| Criminal trespass. | 447 | The person in possession of the property trespassed upon. |
| House-trespass. | 448 | Ditto. |
| House-trespass to commit an offence (other than theft) punishable with imprisonment. | 451 | The person in possession of the house trespassed upon. |
| Using a false trade or property mark. | 482 | The person to whom loss or injury is caused by such use. |
| Counterfeiting a trade or property mark used by another. | 483 | Ditto. |
| Knowingly selling, or exposing or possessing for sale or for manufacturing purpose, goods marked with a counterfeit property mark. | 486 | Ditto. |
| Criminal breach of contract of service. | 491 | The person with whom the offender has contracted. |
| Adultery. | 497 | The husband of the woman. |

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|---|-----|--|
| Enticing or taking away or detaining with criminal intent a married woman. | 498 | The husband of the woman and the woman |
| Defamation, except such cases as are specified against section <u>500</u> of the Indian Penal Code (45 of 1860) in column 1 of the Table under sub-section (2). | 500 | The person defamed. |
| Printing or engraving matter, Knowing it to be defamatory. | 501 | Ditto. |
| Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter. | 502 | Ditto. |
| Insult intended to provoke a breach of the peace. | 504 | The person insulted. |
| Criminal intimidation. | 506 | The person intimidated. |
| Inducing person to believe himself an object of divine displeasure. | 508 | The person induced. |

S. 320 (2) . The offences punishable under the sections of the Indian Penal Code (45 of 1860) specified in the first two columns of the table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of that table:

Table

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|---|-----|---|
| Causing miscarriage. | 312 | The woman to whom miscarriage is caused. |
| Voluntarily causing grievous hurt. | 325 | The person to whom hurt is caused. |
| Causing hurt by doing an act so rashly and negligently as to safety of others. | 337 | Ditto. |
| Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others. | 338 | Ditto. |
| Assault or criminal force in attempting wrongfully to confine a person. | 357 | The person assaulted or to whom the force was used. |
| Theft, by clerk or servant of property in possession of master. | 381 | The owner of the property stolen. |
| Criminal breach of trust | 406 | The owner of property in respect of which breach of trust has been committed. |
| Criminal breach of trust by a clerk or servant. | 408 | The owner of the property in respect of which the breach of trust has been committed. |

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| Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect. | 418 | The person cheated. |
| Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security. | 420 | The person cheated. |
| Marrying again during the life-time of a husband or wife. | 494 | The husband or wife of the person so marrying. |
| Defamation against the President or the Vice-President or the Governor of a State or the Administrator of a Union territory or a Minister in respect of his public functions when instituted upon a complaint made by the Public Prosecutor. | 500 | The person defamed. |
| Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman. | 509 | The woman whom it was intended to insult or whose privacy was intruded upon. |
| (3) When an offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under section 34 or 149 of the Indian Penal Code (45 of 1860) may be compounded in like manner. | | |

(4) (a) When the person who would otherwise be competent to compound an offence under this section is under the age of eighteen years or is an idiot or a lunatic, any person competent to contract on his behalf may, with the permission of the Court, compound such offence.

(b) When the person who would otherwise be competent to compound an offence under this section is dead, the legal representative, as defined in the Code of Civil Procedure, 1908 (5 of 1908) of such person may, with the consent of the Court, compound such offence.

(5) When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.

(6) A High Court or Court of Session acting in the exercise of its powers of revision under section 401 may allow any person to compound any offence which such person is competent to compound under this section.

(7) No offence shall be compounded if the accused is, by reason of a previous conviction, liable either to enhanced punishment or to a punishment of a different kind for such offence.

(8) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(9) No offence shall be compounded except as provided by this section.

S.360. Withdrawal from prosecution.

The Public Prosecutor or Assistant Public Prosecutor in charge of a case may, with the consent of the Court, at any time before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences

S.321. Withdrawal from prosecution.

The Public Prosecutor or Assistant Public Prosecutor in charge of a case may, with the consent of the Court, at any time before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences

for which he is tried; and, upon such withdrawal,-

(a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;

(b) if it is made after a charge has been framed, or when under this Sanhita no charge is required, he shall be acquitted in respect of such offence or offences:

Provided that where such offence-

(i) was against any law relating to a matter to which the executive power of the Union extends; or

(ii) was investigated under any Central Act; or

(iii) involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government; or

(iv) was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty,

and the Prosecutor in charge of the case has not been appointed by the Central Government, he shall not, unless he has been

for which he is tried; and, upon such withdrawal,-

(a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences:

Provided that where such offence-

(i) was against any law relating to a matter to which the executive power of the Union extends, or

(ii) was investigated by the Delhi Special Police Establishment under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or

(iii) involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government, or

(iv) was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty,

and the Prosecutor in charge of the case has not been appointed by the Central Government, he shall not, unless he has been permitted by the Central Government to do

permitted by the Central Government to do so, move the Court for its consent to withdraw from the prosecution and the Court shall, before according consent, direct the Prosecutor to produce before it the permission granted by the Central Government to withdraw from the prosecution:

Provided further that no Court shall allow such withdrawal without giving an opportunity of being heard to the victim in the case.

so, move the Court for its consent to withdraw from the prosecution and the Court shall, before according consent, direct the Prosecutor to produce before it the permission granted by the Central Government to withdraw from the prosecution.

S.366. Court to be open.

(1) The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

(2) Notwithstanding anything contained in sub-section (1), the inquiry into and trial of

S.327. Court to be open.

(1) The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

(2) Notwithstanding anything contained in sub-section (1), the inquiry into and trial of

rape or an offence under section 64, section 65, section 66, section 67, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012 shall be conducted in camera:

Provided that the presiding Judge may, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the room or building used by the Court:

Provided further that in camera trial shall be conducted as far as practicable by a woman Judge or Magistrate.

(3) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings except with the previous permission of the Court:

Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties.

S.392. Judgment.

(1) The judgment in every trial in any

rape or an offence under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB section 376E of the Indian Penal Code (45 of 1860)] shall be conducted in camera:

Provided that the presiding Judge may, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the room or building used by the Court:

Provided further that in camera trial shall be conducted as far as practicable by a woman Judge or Magistrate.

(3) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings except with the previous permission of the Court:

Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties

S.353. Judgment.

(1) The judgment in every trial in any

Criminal Court of original jurisdiction shall be pronounced in open Court by the presiding officer immediately after the termination of the trial or at some subsequent time not later than forty-five days of which notice shall be given to the parties or their advocates, -

(a) by delivering the whole of the judgment;

or

(b) by reading out the whole of the judgment;

or

(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his advocate.

(2) Where the judgment is delivered under clause (a) of sub-section (1), the presiding officer shall cause it to be taken down in short-hand, sign the transcript and every page thereof as soon as it is made ready, and write on it the date of the delivery of the judgment in open Court.

(3) Where the judgment or the operative part thereof is read out under clause (b) or clause (c) of sub-section (1), as the case may be, it shall be dated and signed by the presiding officer in open Court, and if it is not written with his own hand, every page of the judgment shall be signed by him.

Criminal Court or original jurisdiction shall be pronounced in open Court by the presiding officer immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, -

(a) by delivering the whole of the judgment;

or

(b) by reading out the whole of the judgment;

or

(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his pleader.

(2) Where the judgment is delivered under clause (a) of sub-section (1), the presiding officer shall cause it to be taken down in short-hand, sign the transcript and every page thereof as soon as it is made ready, and write on it the date of the delivery of the judgment in open Court.

(3) Where the judgment or the operative part thereof is read out under clause (b) or clause (c) of sub-section (1), as the case may be, it shall be dated and signed by the presiding officer in open Court, and if it is not written with his own hand, every page of the judgment shall be signed by him.

(4) Where the judgment is pronounced in the manner specified in clause (c) of sub-section (1), the whole judgment or a copy thereof shall be immediately made available for the perusal of the parties or their advocates free of cost:

Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period of seven days from the date of judgment.

(5) If the accused is in custody, he shall be brought up to hear the judgment pronounced either in person or through audio-video electronic means.

(6) If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted:

Provided that where there are more accused persons than one, and one or more of them do not attend the Court on the date on which the judgment is to be pronounced, the presiding officer may, in order to avoid undue delay in the disposal of the case, pronounce the judgment notwithstanding their absence.

(4) Where the judgment is pronounced in the manner specified in clause (c) of sub-section (1), the whole judgment or a copy thereof shall be immediately made available for the perusal of the parties or their pleaders free of cost.

(5) If the accused is in custody, he shall be brought up to hear the judgment pronounced.

(6) If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted:

Provided that, where there are more accused than one, and one or more of them do not attend the Court on the date on which the judgment is to be pronounced, the presiding officer may, in order to avoid undue delay in the disposal of the case, pronounce the judgment notwithstanding their absence.

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| <p>(7) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his advocate on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their advocates, or any of them, the notice of such day and place.</p> <p>(8) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 511.</p> | <p>(7) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.</p> <p>(8) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 465.</p> |
| <p>S.396. Victim compensation scheme</p> <p>(1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.</p> <p>(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).</p> <p>(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation</p> | <p>S.357A. Victim compensation scheme.</p> <p>(1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.</p> <p>(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).</p> <p>(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation</p> |

awarded under section 395 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

(7) The compensation payable by the State

awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

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| <i>THE BHARAT/YA NAGARIK SURAKSHA SANHITA, 2023</i> | <i>THE CODE OF CRIMINAL PROCEDURE, 1973</i> |
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| <p>Government under this section shall be in addition to the payment of fine to the victim under section 65, section 70 and sub-section (1) of section 124 of the Bharatiya Nyaya Sanhita, 2023.</p> | |
| <p>S.397. Treatment of victims. All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 64, section 65, section 66, section 67, section 68, section 70, section 71 or sub-section (1) of section 124 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012, and shall immediately inform the police of such incident.</p> | <p>S.357C. Treatment of victims. All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the Indian Penal Code (45 of 1860), and shall immediately inform the police of such incident.</p> |
| <p>S.398. Witness protection scheme. Every State Government shall prepare and notify a Witness Protection Scheme for the State with a view to ensure protection of the witnesses.</p> | - |

S.401. Order to release on probation of good conduct or after admonition.

(1) When any person not under twenty-one years of age is convicted of an offence punishable with fine only or with imprisonment for a term of seven years or less, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond or bail bond to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behavior:

Provided that where any first offender is convicted by a Magistrate of the second class

S.360. Order to release on probation of good conduct or after admonition.

(1) When any person not under twenty-one years of age is convicted of an offence punishable with fine only or with imprisonment for a term of seven years or less, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct and in the meantime to keep the peace and be of good behaviour:

Provided that where any first offender is convicted by a Magistrate of the second class

not specially empowered by the High Court, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in the manner provided by sub-section (2).

(2) Where proceedings are submitted to a Magistrate of the first class as provided by sub-section (1), such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

(3) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Bharatiya Nyaya Sanhita, 2023, punishable with not more than two years' imprisonment or any offence punishable with

not specially empowered by the High Court, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in the manner provided by sub-section (2).

(2) Where proceedings are submitted to a Magistrate of the first class as provided by sub-section (1), such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

(3) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code punishable with not more than two years' imprisonment or any offence punishable with fine only and no

fine only and no previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

(4) An order under this section may be made by any Appellate Court or by the High Court or Court of Session when exercising its powers of revision.

(5) When an order has been made under this section in respect of any offender, the High Court or Court of Session may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law:

Provided that the High Court or Court of Session shall not under this sub-section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

(4) An order under this section may be made by any Appellate Court or by the High Court or Court of Session when exercising its powers of revision.

(5) When an order has been made under this section in respect of any offender, the High Court or Court of Session may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law:

Provided that the High Court or Court of Session shall not under the sub-section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

(6) The provisions of sections 140, 143 and 414 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.

(7) The Court, before directing the release of an offender under sub-section (1), shall be satisfied that an offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(8) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(9) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing

(6) The provisions of sections 121, 124 and 373 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.

(7) The Court, before directing the release of an offender under sub-section (1), shall be satisfied that an offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(8) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehensions.

(9) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence and such Court may, after hearing the case, pass sentence.

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| <p>for sentence and such Court may, after hearing the case, pass sentence.</p> <p>(10) Nothing in this section shall affect the provisions of the Probation of Offenders Act, 1958, or the Juvenile Justice (Care and Protection of Children) Act, 2015 or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders.</p> | <p>(10) Nothing in this section shall affect the provisions of the Probation of Offenders Act, 1958, (20 of 1958) or the Children Act, 1960, (60 of 1960) or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders.</p> |
| <p>S.402. Special reasons to be recorded in certain cases.</p> <p>Where in any case the Court could have dealt with,-</p> <p>(a) an accused person under section 401 or under the provisions of the Probation of Offenders Act, 1958; or</p> <p>(b) a youthful offender under the Juvenile Justice (Care and Protection of Children) Act, 2015 or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders,</p> <p>but has not done so, it shall record in its judgment the special reasons for not having done so.</p> | <p>S.361. Special reasons to be recorded in certain cases.</p> <p>Where in any case the Court could have dealt with,</p> <p>(a) an accused person under section 360 or under the provisions of the Probation of Offenders Act, 1958 (20 of 1958); or</p> <p>(b) a youthful offender under the Children Act, 1960 (60 of 1960) or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders,</p> <p>but has not done so, it shall record in its judgment the special reasons for not having done so.</p> |

S.404. Copy of judgment to be given to accused and other persons.

(1) When the accused is sentenced to imprisonment, a copy of the judgment shall, immediately after the pronouncement of the judgment, be given to him free of cost.

(2) On the application of the accused, a certified copy of the judgment, or when he so desires, a translation in his own language if practicable or in the language of the Court, shall be given to him without delay, and such copy shall, in every case where the judgment is appealable by the accused, be given free of cost:

Provided that where a sentence of death is passed or confirmed by the High Court, a certified copy of the judgment shall be immediately given to the accused free of cost whether or not he applies for the same.

(3) The provisions of sub-section (2) shall apply in relation to an order under section 136 as they apply in relation to a judgment which is appealable by the accused.

(4) When the accused is sentenced to death by any Court and an appeal lies from such judgment as of right, the Court shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

S.363. Copy of judgment to be given to the accused and other persons.

(1) When the accused is sentenced to imprisonment, a copy of the judgment shall, immediately after the pronouncement of the judgment, be given to him free of cost.

(2) On the application of the accused, a certified copy of the judgment, or when he so desires, a translation in his own language if practicable or in the language of the Court, shall be given to him without delay, and such copy shall, in every case where the judgment is appealable by the accused, be given free of cost:

Provided that where a sentence of death is passed or confirmed by the High Court, a certified copy of the judgment shall be immediately given to the accused free of cost whether or not he applies for the same.

(3) The provisions of sub-section (2) shall apply in relation to an order under section 117 as they apply in relation to a judgment which is appealable by the accused.

(4) When the accused is sentenced to death by any Court and an appeal lies from such judgment as of right, the Court shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

(5) Save as otherwise provided in sub-section (2), any person affected by a judgment or order passed by a Criminal Court shall, on an application made in this behalf and on payment of the prescribed charges, be given a copy of such judgment or order or of any deposition or other part of the record:

Provided that the Court may, if it thinks fit for some special reason, give it to him free of cost:

Provided further that the Court may, on an application made in this behalf by the Prosecuting Officer, provide to the Government, free of cost, a certified copy of such judgment, order, deposition or record.

(6) The High Court may, by rules, provide for the grant of copies of any judgment or order of a Criminal Court to any person who is not affected by a judgment or order, on payment, by such person, of such fees, and subject to such conditions, as the High Court may, by such rules, provide.

S.405. Judgment when to be translated.

The original judgment shall be filed with the record of the proceedings and where the original is recorded in a language different

(5) Save as otherwise provided in sub-section (2), any person affected by a judgment or order passed by a Criminal Court shall, on an application made in this behalf and on payment of the prescribed charges, be given a copy of such judgment or order or of any deposition or other part of the record:

Provided that the Court may, if it thinks fit for some special reason, give it to him free of cost.

(6) The High Court may, by rules, provide for the grant of copies of any judgment or order of a Criminal Court to any person who is not affected by a judgment or order, on payment, by such person, of such fees, and subject to such conditions, as the High Court may, by such rules, provide.

S.364. Judgment when to be translated.

The original judgment shall be filed with the record of the proceedings and where the original is recorded in a language different

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| <p>from that of the Court, and if either party so requires, a translation thereof into the language of the Court shall be added to such record.</p> | <p>from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.</p> |
| <p>S.412. Procedure in cases submitted to High Court for confirmation.</p> <p>In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send either physically, or through electronic means, a copy of the order, under the seal of the High Court and attested with his official signature, to the Court of Session.</p> | <p>S.371. Procedure in cases submitted to High Court for confirmation.</p> <p>In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court and attested with his official signature, to the Court of Session.</p> |
| <p>S.418. Appeal by the State Government against sentence.</p> <p>(1) Save as otherwise provided in sub-section (2), the State Government may, in any case of conviction on a trial held by any Court other than a High Court, direct the Public Prosecutor to present an appeal against the sentence on the ground of its inadequacy-</p> <p>(a) to the Court of Session, if the sentence is passed by the Magistrate; and</p> | <p>S.377. Appeal by the State Government against sentence.</p> <p>(1) Save as otherwise provided in sub-section (2), the State Government may, in any case of conviction on a trial held by any Court other than a High Court, direct the Public Prosecutor to present an appeal against the sentence on the ground of its inadequacy-</p> <p>(a) to the Court of Session, if the sentence is passed by the Magistrate; and</p> |

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| <p>(b) to the High Court, if the sentence is passed by any other Court.</p> <p>(2) If such conviction is in a case in which the offence has been investigated by any agency empowered to make investigation into an offence under any Central Act other than this Sanhita, the Central Government may also direct the Public Prosecutor to present an appeal against the sentence on the ground of its inadequacy-</p> <p>(a) to the Court of Session, if the sentence is passed by the Magistrate; and</p> <p>(b) to the High Court, if the sentence is passed by any other Court.</p> <p>(3) When an appeal has been filed against the sentence on the ground of its inadequacy, the Court of Session or, as the case may be, the High Court shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.</p> <p>(4) When an appeal has been filed against a sentence passed under section 64, section 65,</p> | <p>(b) to the High Court, if the sentence is passed by any other Court.</p> <p>(2) If such conviction is in a case in which the offence has been investigated by the Delhi Special Police Establishment, constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, the Central Government may also direct the Public Prosecutor to present an appeal against the sentence on the ground of its inadequacy-</p> <p>(a) to the Court of Session, if the sentence is passed by the Magistrate; and</p> <p>(b) to the High Court, if the sentence is passed by any other Court.</p> <p>(3) When an appeal has been filed against the sentence on the ground of its inadequacy, the Court of Session or, as the case may be, the High Court shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.</p> <p>(4) When an appeal has been filed against a sentence passed under section 376, section</p> |
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| <p>section 66, section 67, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023, the appeal shall be disposed of within a period of six months from the date of filing of such appeal.</p> | <p>376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code (45 of 1860), the appeal shall be disposed of within a period of six months from the date of filing of such appeal.</p> |
| <p>S.419. Appeal in case of acquittal.</p> <p>(1) Save as otherwise provided in sub-section (2), and subject to the provisions of sub-sections (3) and (5), -</p> <p>(a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;</p> <p>(b) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court not being an order under clause (a) or an order of acquittal passed by the Court of Session in revision.</p> <p>(2) If such an order of acquittal is passed in a case in which the offence has been investigated by any agency empowered to make investigation into an offence under any Central Act other than this Sanhita, the</p> | <p>S.378. Appeal in case of acquittal.</p> <p>(1) Save as otherwise provided in sub-section (2), and subject to the provisions of sub-sections (3) and (5), -</p> <p>(a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;</p> <p>(b) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court [not being an order under clause (a) or an order of acquittal passed by the Court of Session in revision.</p> <p>(2) If such an order of acquittal is passed in any case in which the offence has been investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (25 of</p> |

Central Government may, subject to the provisions of sub-section (3), also direct the Public Prosecutor to present an appeal-

(a) to the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court not being an order under clause (a) or an order of acquittal passed by the Court of Session in revision.

(3) No appeal to the High Court under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court.

(4) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.

(5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the

1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, the Central Government may, subject to the provisions of sub-section (3), also direct the Public Prosecutor to present an appeal-

(a) to the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court not being an order under clause (a) or an order of acquittal passed by the Court of Session in revision].

(3) No appeal to the High Court] under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court.

(4) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.

(5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the

High Court after the expiry of six months, where the complainant is a public servant, and sixty days in every other case, computed from the date of that order of acquittal.

(6) If, in any case, the application under sub-section (4) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1) or under sub-section (2).

High Court after the expiry of six months, where the complainant is a public servant, and sixty days in every other case, computed from the date of that order of acquittal.

(6) If, in any case, the application under sub-section (4) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1) or under sub-section (2).

S.446. Power of Supreme Court to transfer cases and appeals.

(1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a Criminal Court subordinate to one High Court to another Criminal Court of equal or superior jurisdiction subordinate to another High Court.

(2) The Supreme Court may act under this section only on the application of the Attorney-General of India or of a party interested, and every such application shall be made by motion, which shall, except when the

S.406. Power of Supreme Court to transfer cases and appeals.

(1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a Criminal Court subordinate to one High Court to another Criminal Court of equal or superior jurisdiction subordinate to another High Court.

(2) The Supreme Court may act under this section only on the application of the Attorney-General of India or of a party interested, and every such application shall be made by motion, which shall, except when the

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| <p>applicant is the Attorney-General of India or the Advocate-General of the State, be supported by affidavit or affirmation.</p> <p>(3) Where any application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum as it may consider appropriate in the circumstances of the case.</p> | <p>applicant is the Attorney-General of India or the Advocate-General of the State, be supported by affidavit or affirmation.</p> <p>(3) Where any application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider appropriate in the circumstances of the case.</p> |
| <p>S.447. Power of High Court to transfer cases and appeals.</p> <p>(1) Whenever it is made to appear to the High Court-</p> <p>(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto; or</p> <p>(b) that some question of law of unusual difficulty is likely to arise; or</p> <p>(c) that an order under this section is required by any provision of this Sanhita, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,</p> | <p>S.407. Power of High Court to transfer cases and appeals.</p> <p>(1) Whenever it is made to appear to the High Court-</p> <p>(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or</p> <p>(b) that some question of law of unusual difficulty is likely to arise, or</p> <p>(c) that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,</p> |

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| <p>it may order-</p> <p>(i) that any offence be inquired into or tried by any Court not qualified under sections 197 to 205 (both inclusive), but in other respects competent to inquire into or try such offence;</p> <p>(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;</p> <p>(iii) that any particular case be committed for trial to a Court of Session; or</p> <p>(iv) that any particular case or appeal be transferred to and tried before itself.</p> <p>(2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative:</p> <p>Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.</p> <p>(3) Every application for an order under sub-section (1) shall be made by motion, which shall, except when the applicant is the</p> | <p>it may order-</p> <p>(i) that any offence be inquired into or tried by any Court not qualified under sections 177 to 185 (both inclusive), but in other respects competent to inquire into or try such offence;</p> <p>(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;</p> <p>(iii) that any particular case be committed for trial to a Court of Session; or</p> <p>(iv) that any particular case or appeal be transferred to and tried before itself.</p> <p>(2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative:</p> <p>Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.</p> <p>(3) Every application for an order under sub-section (1) shall be made by motion, which shall, except when the applicant is the</p> |
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Advocate-General of the State, be supported by affidavit or affirmation.

(4) When such application is made by an accused person, the High Court may direct him to execute a bond or bail bond for the payment of any compensation which the High Court may award under sub-section (7).

(5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application

(6) Where the application is for the transfer of a case or appeal from any subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interest of justice, order that, pending the disposal of the application the proceedings in the subordinate Court shall be stayed, on such terms as the High Court may think fit to impose:

Provided that such stay shall not affect the subordinate Court's power of remand under section 346.

Advocate-General of the State, be supported by affidavit or affirmation.

(4) When such application is made by an accused person, the High Court may direct him to execute a bond, with or without sureties, for the payment of any compensation which the High Court may award under sub-section (7).

(5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the applications unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

(6) Where the application is for the transfer of a case or appeal from any Subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interest of Justice, order that, pending the disposal of the application the proceedings in the Subordinate Court shall be stayed, on such terms as the High Court may think fit to impose:

Provided that such stay shall not affect the Subordinate Court's power of remand under section 309.

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| <p>(7) Where an application for an order under sub-section (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum as it may consider proper in the circumstances of the case.</p> <p>(8) When the High Court orders under sub-section (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.</p> <p>(9) Nothing in this section shall be deemed to affect any order of the Government under section 218.</p> | <p>(7) Where an application for an order under sub-section (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider proper in the circumstances of the case.</p> <p>(8) When the High Court orders under sub-section (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.</p> <p>(9) Nothing in this section shall be deemed to affect any order of Government under section 197.</p> |
| <p>S.472. Mercy petition in death sentence cases.</p> <p>(1) A convict under the sentence of death or his legal heir or any other relative may, if he has not already submitted a petition for mercy, file a mercy petition before the President of India under article 72 or the Governor of the State under article 161 of the Constitution</p> | <p style="text-align: center;">-</p> |

within a period of thirty days from the date on which the Superintendent of the jail, -

(i) informs him about the dismissal of the appeal, review or special leave to appeal by the Supreme Court; or

(ii) informs him about the date of confirmation of the sentence of death by the High Court and the time allowed to file an appeal or special leave in the Supreme Court has expired.

(2) The petition under sub-section (1) may, initially be made to the Governor and on its rejection or disposal by the Governor, the petition shall be made to the President within a period of sixty days from the date of rejection or disposal of such petition.

(3) The Superintendent of the jail or officer in charge of the jail shall ensure, that every convict, in case there are more than one convict in a case, also files the mercy petition within a period of sixty days and on non-receipt of such petition from the other convicts, Superintendent of the jail shall send the names, addresses, copy of the record of the case and all other details of the case to the Central Government or the State Government for consideration along with the said mercy petition.

(4) The Central Government shall, on receipt of the mercy petition seek the comments of the State Government and consider the petition along with the records of the case and make recommendations to the President in this behalf, as expeditiously as possible, within a period of sixty days from the date of receipt of comments of the State Government and records from Superintendent of the Jail.

(5) The President may, consider, decide and dispose of the mercy petition and, in case there are more than one convict in a case, the petitions shall be decided by the President together in the interests of justice.

(6) Upon receipt of the order of the President on the mercy petition, the Central Government shall within forty-eight hours, communicate the same to the Home Department of the State Government and the Superintendent of the jail or officer in charge of the jail.

(7) No appeal shall lie in any Court against the order of the President or of the Governor made under article 72 or article 161 of the Constitution and it shall be final, and any question as to the arriving of the decision by the President or the Governor shall not be inquired into in any Court.

S.473. Power to suspend or remit sentences.

(1) When any person has been sentenced to punishment for an offence, the appropriate Government may, at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

(2) Whenever an application is made to the appropriate Government for the suspension or remission of a sentence, the appropriate Government may require the presiding Judge of the Court before or by which the conviction was had or confirmed, to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the appropriate Government, not fulfilled, the appropriate Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been

S.432. Power to suspend or remit sentences.

(1) When any person has been sentenced to punishment for an offence, the appropriate Government may, at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

(2) Whenever an application is made to the appropriate Government for the suspension or remission of a sentence, the appropriate Government may require the presiding Judge of the Court before or by which the conviction was had or confirmed, to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the appropriate Government, not fulfilled, the appropriate Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been

suspended or remitted may, if at large, be arrested by any police officer, without warrant and remanded to undergo the unexpired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

(5) The appropriate Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with:

Provided that in the case of any sentence (other than a sentence of fine) passed on a person above the age of eighteen years, no such petition by the person sentenced or by any other person on his behalf shall be entertained, unless the person sentenced is in jail, and -

(a) where such petition is made by the person sentenced, it is presented through the officer in charge of the jail; or

(b) where such petition is made by any other person, it contains a declaration that the person sentenced is in jail.

(6) The provisions of the above sub-sections

suspended or remitted may, if at large, be arrested by any police officer, without warrant and remanded to undergo the unexpired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

(5) The appropriate Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with:

Provided that in the case of any sentence (other than a sentence of fine) passed on a male person above the age of eighteen years, no such petition by the person sentenced or by any other person on his behalf shall be entertained, unless the person sentenced is in jail, and -

(a) where such petition is made by the person sentenced, it is presented through the officer in charge of the jail; or

(b) where such petition is made by any other person, it contains a declaration that the person sentenced is in jail.

(6) The provisions of the above sub-sections

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| <p>shall also apply to any order passed by a Criminal Court under any section of this Sanhita or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.</p> <p>(7) In this section and in section 474, the expression "appropriate Government" means,-</p> <p>(a) in cases where the sentence is for an offence against, or the order referred to in sub-section (6) is passed under, any law relating to a matter to which the executive power of the Union extends, the Central Government;</p> <p>(b) in other cases, the Government of the State within which the offender is sentenced or the said order is passed.</p> | <p>shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.</p> <p>(7) In this section and in section 433, the expression "appropriate Government" means,-</p> <p>(a) in cases where the sentence is for an offence against, or the order referred to in sub-section (6) is passed under, any law relating to a matter to which the executive power of the Union extends, the Central Government;</p> <p>(b) in other cases, the Government of the State within which the offender is sentenced or the said order is passed.</p> |
| <p>S. 474. Power to commute sentence.</p> <p>The appropriate Government may, without the consent of the person sentenced, commute-</p> <p>(a) a sentence of death, for imprisonment for life;</p> <p>(b) a sentence of imprisonment for life, for imprisonment for a term not less than seven years;</p> | <p>S.433. Power to commute sentence.</p> <p>The appropriate Government may, without the consent of the person sentenced, commute-</p> <p>(a) a sentence of death, for any other punishment provided by the Indian Penal Code (45 of 1860);</p> <p>(b) a sentence of imprisonment for life, for imprisonment for a term not exceeding fourteen years or for fine;</p> |

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| <p>(c) a sentence of imprisonment for seven years or more, for imprisonment for a term not less than three years;</p> <p>(d) a sentence of imprisonment for less than seven years, for fine;</p> <p>(e) a sentence of rigorous imprisonment, for simple imprisonment for any term to which that person might have been sentenced.</p> | <p>(c) a sentence of rigorous imprisonment, for simple imprisonment for any term to which that person might have been sentenced, or for fine;</p> <p>(d) a sentence of simple imprisonment, for fine</p> |
| <p>S.477. State Government to act after consultation with Central Government in certain cases.</p> <p>(1) The powers conferred by sections 473 and 474 upon the State Government to remit or commute a sentence, in any case where the sentence is for an offence-</p> <p>(a) which was investigated by any agency empowered to make investigation into an offence under any Central Act other than this Sanhita; or</p> <p>(b) which involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government; or</p> | <p>S.435. State Government to act after consultation with Central Government in certain cases.</p> <p>(1) The powers conferred by sections 432 and 433 upon the State Government to remit or commute a sentence, in any case where the sentence is for an offence-</p> <p>(a) which was investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, or</p> <p>(b) which involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government, or</p> |

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| <p>(c) which was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty,</p> <p>shall not be exercised by the State Government except after concurrence with the Central Government.</p> <p>(2) No order of suspension, remission or commutation of sentences passed by the State Government in relation to a person, who has been convicted of offences, some of which relate to matters to which the executive power of the Union extends, and who has been sentenced to separate terms of imprisonment which are to run concurrently, shall have effect unless an order for the suspension, remission or commutation, as the case may be, of such sentences has also been made by the Central Government in relation to the offences committed by such person with regards to matters to which executive power of union extends.</p> | <p>(c) which was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty,</p> <p>shall not be exercised by the State Government except after consultation with the Central Government.</p> <p>(2) No order of suspension, remission or commutation of sentences passed by the State Government in relation to a person, who has been convicted of offences, some of which relate to matters to which the executive power of the Union extends, and who has been sentenced to separate terms of imprisonment which are to run concurrently, shall have effect unless an order for the suspension, remission or commutation, as the case may be, of such sentences has also been made by the Central Government in relation to the offences committed by such person with regard to matters to which the executive power of the Union extends.</p> |
| <p>S.478. In what cases bail to be taken.</p> <p>(1) When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is</p> | <p>S.436. In what cases bail to be taken.</p> <p>(1) When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is</p> |

brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail:

Provided that such officer or Court, if he or it thinks fit, may, and shall, if such person is indigent and is unable to furnish surety, instead of taking bail bond from such person, discharge him on his executing a bond for his appearance as hereinafter-provided.

Explanation.-Where a person is unable to give bail bond within a week of the date of his arrest, it shall be a sufficient ground for the officer or the Court to presume that he is an indigent person for the purposes of this proviso:

Provided further that nothing in this section shall be deemed to affect the provisions of sub-section (3) of section 135 or section 492.

(2) Notwithstanding anything in sub-section (1), where a person has failed to comply with the conditions of the bond or bail bond as regards the time and place of attendance, the Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the Court or is brought in

brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail:

Provided that such officer or Court, if he or it thinks fit, may, and shall, if such person is indigent and is unable to furnish surety, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

Explanation.-Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the Court to presume that he is an indigent person for the purposes of this proviso:

Provided further that nothing in this section shall be deemed to affect the provisions of sub-section (3) of section 116 or section 446A.

(2) Notwithstanding anything contained in sub-section (1), where a person has failed to comply with the conditions of the bail-bond as regards the time and place of attendance, the Court may refuse to release him on bail, when on a subsequent occasion in the same

custody and any such refusal shall be without prejudice to the powers of the Court to call upon any person bound by such bond or bail bond to pay the penalty thereof under section 491.

S.479. Maximum period for which an under-trial prisoner can be detained.

(1) Where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail:

Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law:

case he appears before the Court or is brought in custody and any such refusal shall be without prejudice to the powers of the Court to call upon any person bound by such bond to pay the penalty thereof under section 446.

S.436A. Maximum period for which an under-trial prisoner can be detained.

Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail bond instead of his bond:

Provided also that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.-In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

(2) Notwithstanding anything in sub-section (1), and subject to the third proviso thereof, where an investigation, inquiry or trial in more than one offence or in multiple cases are pending against a person, he shall not be released on bail by the Court.

(3) The Superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period mentioned in sub-section (1), as the case may be, shall forthwith make an application in writing to

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.-In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

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| <p>the Court to proceed under sub-section (1) for the release of such person on bail.</p> | |
| <p>S.481. Bail to require accused to appear before next Appellate Court.</p> <p>(1) Before conclusion of the trial and before disposal of the appeal, the Court trying the offence or the Appellate Court, as the case may be, shall require the accused to execute a bond or bail bond, to appear before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of the respective Court and such bond shall be in force for six months.</p> <p>(2) If such accused fails to appear, the bond stand forfeited and the procedure under section 491 shall apply</p> | <p>S.437A. Bail to require accused to appear before next Appellate Court.</p> <p>(1) Before conclusion of the trial and before disposal of the appeal, the Court trying the offence or the Appellate Court, as the case may be, shall require the accused to execute bail bonds with sureties, to appear before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of the respective Court and such bail bonds shall be in force for six months.</p> <p>(2) If such accused fails to appear, the bond stand forfeited and the procedure under section 446 shall apply.</p> |
| <p>S.482. Direction for grant of bail to person apprehending arrest.</p> <p>(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.</p> | <p>S.438. Direction for grant of bail to person apprehending arrest.</p> <p>(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.</p> |

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence

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| <p>decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).</p> <p>(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.</p> | <p>decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).</p> <p>(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code (45 of 1860).</p> |
| <p>S.483. Special powers of High Court or Court of Session regarding bail.</p> <p>(1) A High Court or Court of Session may direct,-</p> <p>(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;</p> <p>(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:</p> <p style="padding-left: 40px;">Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is</p> | <p>S.439. Special powers of High Court or Court of Session regarding bail.</p> <p>(1) A High Court or Court of Session may direct,-</p> <p>(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;</p> <p>(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:</p> <p style="padding-left: 40px;">Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is</p> |

triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice:

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(2) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

(3) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice.

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code (45 of 1860), give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(1A) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under sub-section (3) of section 376 or section 376AB or section 376DA or section DB of the Indian Penal Code (45 of 1860).

(2) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

S.497. Order for custody and disposal of property pending trial in certain cases.

(1) When any property is produced before any Criminal Court or the Magistrate empowered to take cognizance or commit the case for trial during any investigation, inquiry or trial, the Court or the Magistrate may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation, inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court or the Magistrate may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.-For the purposes of this section, "property" includes-

- (a) property of any kind or document which is produced before the Court or which is in its custody;
- (b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

(2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property

S.451. Order for custody and disposal of property pending trial in certain cases.

When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.-For the purposes of this section, "property" includes-

- (a) property of any kind or document which is produced before the Court or which is in its custody;
- (b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

containing its description in such form and manner as the State Government may, by rules, provide.

(3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile phone or any electronic media, of the property referred to in sub-section (1).

(4) The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.

(5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.

S.499. Payment to innocent purchaser of money found on accused.

When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person bought the stolen property from him without knowing or having reason

S.453. Payment to innocent purchaser of money found on accused.

When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person bought the stolen property from him without knowing or having reason

to believe that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him within six months from the date of such order.

S.514. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided in this Sanhita, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be -

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

to believe that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

S.468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be -

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

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| <p>(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.</p> <p>Explanation.-For the purpose of computing the period of limitation, the relevant date shall be the date of filing complaint under section 223 or the date of recording of information under section 173.</p> | <p>(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment</p> |
| <p>S.530. Trial and proceedings to be held in electronic mode.</p> <p>All trials, inquiries and proceedings under this Sanhita, including-</p> <p>(i) issuance, service and execution of summons and warrant;</p> <p>(ii) examination of complainant and witnesses;</p> <p>(iii) recording of evidence in inquiries and trials; and</p> <p>(iv) all appellate proceedings or any other proceeding,</p> <p>may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.</p> | <p>-</p> |

S.531. Repeal and savings.

(1) The Code of Criminal Procedure, 1973 is hereby repealed.

(2) Notwithstanding such repeal-

(a) if, immediately before the date on which this Sanhita comes into force, there is any appeal, application, trial, inquiry or investigation pending, then, such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Code of Criminal Procedure, 1973, as in force immediately before such commencement (hereinafter referred to as the said Code), as if this Sanhita had not come into force;

(b) all notifications published, proclamations issued, powers conferred, forms provided by rules, local jurisdictions defined, sentences passed and orders, rules and appointments, not being appointments as Special Magistrates, made under the said Code and which are in force immediately before the

S.484. Repeal and savings.

(1) The Code of Criminal Procedure, 1898 (5 of 1898), is hereby repealed.

(2) Notwithstanding such repeal-

(a) if, immediately before the date on which this Code comes into force, there is any appeal, application, trial, inquiry or investigation pending, then, such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), as in force immediately before such commencement (hereinafter referred to as the old Code), as if this Code had not come into force:

Provided that every inquiry under Chapter XVIII of the Old Code, which is pending at the commencement of this Code, shall be dealt with and disposed of in accordance with the provisions of this Code;

(b) all notifications published, proclamations issued, powers conferred, forms prescribed, local jurisdictions defined, sentences passed and orders, rules and appointments, not being appointments as Special Magistrates, made under the Old Code and which are in force immediately before the commencement of

commencement of this Sanhita, shall be deemed, respectively, to have been published, issued, conferred, specified, defined, passed or made under the corresponding provisions of this Sanhita;

(c) any sanction accorded or consent given under the said Code in pursuance of which no proceeding was commenced under that Code, shall be deemed to have been accorded or given under the corresponding provisions of this Sanhita and proceedings may be commenced under this Sanhita in pursuance of such sanction or consent.

(3) Where the period specified for an application or other proceeding under the said Code had expired on or before the commencement of this Sanhita, nothing in this Sanhita shall be construed as enabling any such application to be made or proceeding to be commenced under this Sanhita by reason only of the fact that a longer period therefor is specified by this Sanhita or provisions are made in this Sanhita for the extension of time.

this Code, shall be deemed, respectively, to have been published, issued, conferred, prescribed, defined, passed or made under the corresponding provisions of this Code;

(c) any sanction accorded or consent given under the Old Code in pursuance of which no proceeding was commenced under that Code, shall be deemed to have been accorded or given under the corresponding provisions of this Code and proceedings may be commenced under this Code in pursuance of such sanction or consent;

(d) the provisions of the Old Code shall continue to apply in relation to every prosecution against a Ruler within the meaning of article 363 of the Constitution.

(3) Where the period prescribed for an application or other proceeding under the Old Code had expired on or before the commencement of this Code, nothing in this Code shall be construed as enabling any such application to be made or proceeding to be commenced under this Code by reason only of the fact that a longer period therefor is prescribed by this Code or provisions are made in this Code for the extension of time.

Personal Notes

Lined area for writing notes, consisting of 22 horizontal lines.

