

Bharatiya Nagarik Suraksha Sanhita (BNSS)

(Handbook)

Delhi Police



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Team

Delhi Police Academy

FOREWORD



After having served as the fulcrum of criminal justice administration for over 150 years, with several amendments and upgrades, the erstwhile three Criminal Major Laws have recently been replaced by Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam through Acts of Parliament. The enactment of the three new Criminal Major Acts marks a significant post-colonial shift in the criminal justice administration of our country; the distinguishing feature being focus on ‘justice’ from conventionally being purely ‘penal’.

The new laws aim at structural overhaul of criminal justice administration by acknowledging the changes that have taken roots in a developing country and society over the past century and, are futuristic in-as-much as they aim at providing a cohesive definition and prescribing the consequences of new age delinquencies in a rational, just and nationalistic framework.

The new laws are expected to be notified for implementation in the coming days. It is going to be a multi-stakeholder endeavour wherein central organizations like NCRB, BPR&D etc. will play an important role along with State Police forces. For on-ground



understanding and implementation of the new laws, Delhi Police has already taken the first step with the preparation of this comprehensive Handbook, which shows the commitment and perseverance of our Training Division, under the able leadership of Ms. Chhaya Sharma, Spl.CP/Training.

The challenge with adoption and implementation of the new laws is primarily 'attitudinal'. For a police force accustomed to learning, practicing and internalizing laws that have been the 'daily bread' of policing for generations of police officers, the first challenge is to acknowledge that development is de-envelopment i.e., the old yolk is to be done away with. The process of unlearning and re-learning can indeed be very difficult in absence of experienced mentors, quality study material and structured, practical tutoring. The Handbook at hand aims to fill the critical second paradigm mentioned above, while we scout and prepare professional trainers and lay down a calendar for training over seventy thousand personnel of Delhi Police on this journey of excitement and discoveries.

I once again extend my heartfelt compliments to the entire team of Training Division of Delhi Police, who worked assiduously, ably assisted by experts drawn from various professions into drafting the Handbook and I am sure that this will serve as the beacon light for not just Delhi Police but several other State Police forces, who are moving along with us into the future of national service through our policing efforts.

Sanjay Arora

Commissioner of Police, Delhi



PREFACE

In the Bharatiya Nagarik Suraksha Sanhita – 2023, there are total 531 Sections in 39 Chapters whereas there were total 484 sections in 37 Chapters in the Cr.P.C. 11 New sections have been added in BNSS and 85 existing sections of Cr.P.C have been amended. A committee was constituted for preparation of course material for Investigating Officers of Delhi Police. After much deliberation, this guide on BNSS has been made to help the Investigating Officers and simplify the procedural differences as per the new ‘Bharatiya Nagarik Suraksha Sanhita–2023’ for the police officers of Delhi Police.

Here, you will find around 92 key sections carefully chosen and analysed to assist your transition from the Cr.P.C. to this updated Sanhita. Areas highlighted in blue and boxed are original and verbatim copy from the BNSS in its original form. The comments are highlighted in bold and italics font for ease of identification. The sections from BNSS in this book are those which have been modified in some way (added/deleted or amended) but are relevant to police working.

Our goal is to make the shift smooth by offering practical insights that empower you on the ground. As you navigate this legal update, consider this booklet your go-to resource for understanding and implementing these changes effectively. Together, let us ensure a seamless transition, enhancing our collective commitment to justice and community safety as well as making Delhi Police one of the best organizations to serve the society.

Team Delhi Police Academy



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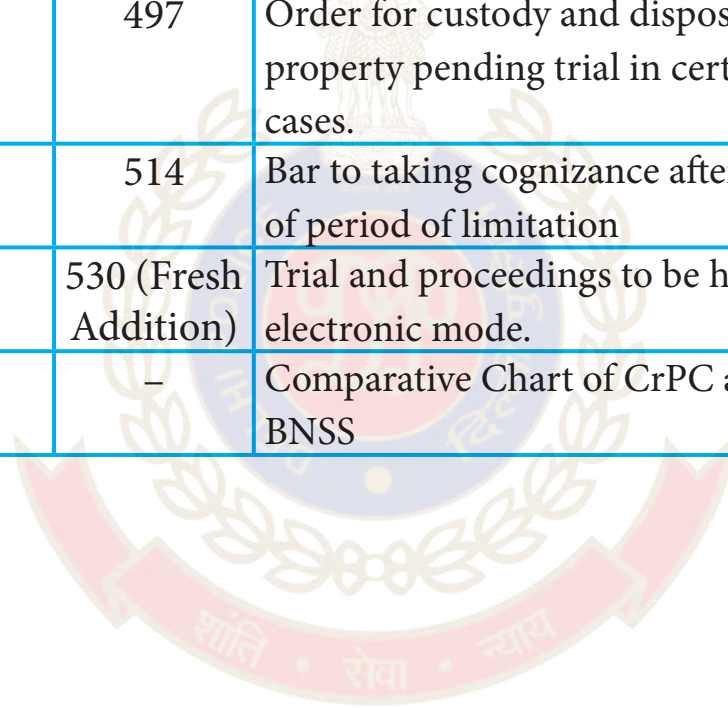
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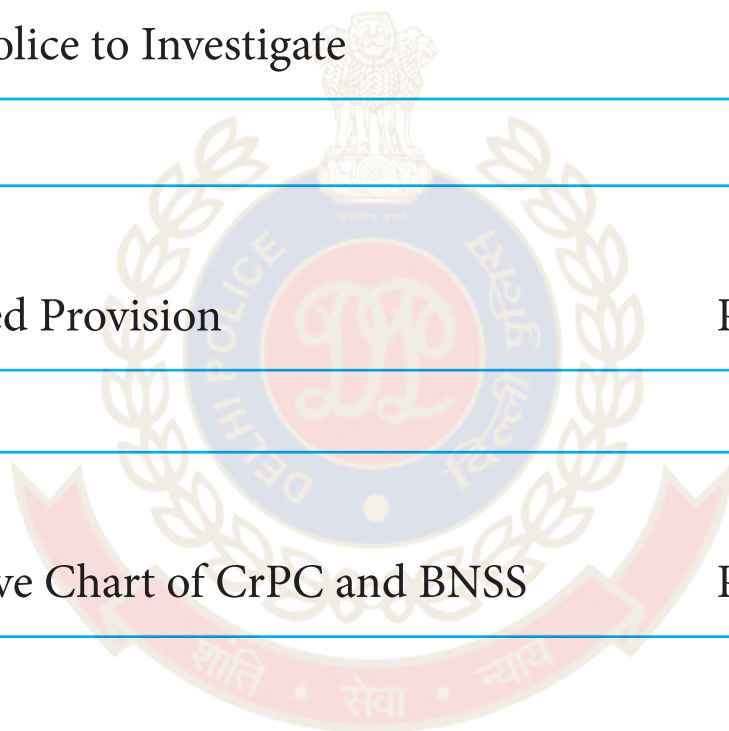
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Section A

CHANGES IN B.N.S.S. 2023

OLD Section CrPC

2

NEW Section BNSS

2

Definitions

2. (1) In this Sanhita, unless the context otherwise requires,—

- (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;
- (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;
- (c) **"bailable offence"** means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and **"non-bailable offence"** means any other offence;
- (d) **"bail bond"** means an undertaking for release with surety;
- (e) **"bond"** means a personal bond or an undertaking for release without surety;
- (f) **"charge"** includes any head of charge when the charge contains more heads than one;
- (g) **"cognizable offence"** means an offence for which, and **"cognizable case"** means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;

- (h) "complaint" means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Sanhita, that some person, whether known or unknown, has committed an offence, but does not include a police report.

Explanation.—A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant;

- (i) **"electronic communication" means the communication of any written, verbal, 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;**
- (j) "High Court" means,—
- (i) in relation to any State, the High Court for that State;
 - (ii) in relation to a Union territory to which the jurisdiction of the High Court for a State has been extended by law, that High Court;
 - (iii) in relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India;
- (k) "inquiry" means every inquiry, other than a trial, conducted under this Sanhita by a Magistrate or Court;
- (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;

- (m) "judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath;
- (n) "local jurisdiction", in relation to a Court or Magistrate, means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Sanhita and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify;
- (o) "non-cognizable offence" means an offence for which, and "non-cognizable case" means a case in which, a police officer has no authority to arrest without warrant;
- (p) "notification" means a notification published in the Official Gazette;
- (q) "offence" means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle Trespass Act, 1871;
- (r) "officer in charge of a police station" includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;
- (s) "place" includes a house, building, tent, vehicle and vessel;
- (t) "police report" means a report forwarded by a police officer to a Magistrate under sub-section (3) of section 193;
- (u) "police station" means any post or place declared generally or

specially by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf;

- (v) "Public Prosecutor" means any person appointed under section 18, and includes any person acting under the directions of a Public Prosecutor;
- (w) "sub-division" means a sub-division of a district;
- (x) "summons-case" means a case relating to an offence, and not being a warrant-case;
- (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;**
- (z) "warrant-case" means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years.
- (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.

Comments:-

1. Under this section, words have been added and their meaning have been elaborately explained.
 - (a) "Audio-Video electronic means" shall include use of any communication device for the purposes of:
 - (i) video conferencing,
 - (ii) recording of processes of identification,
 - (iii) search and seizure or evidence,
 - (iv) transmission of electronic communication

- (v) for such other purposes and by such other means as the State Government may, by rules provide. (which may take time to role but due to infrastructure and other reasons.

2. From the above it can be inferred that this medium can also be utilised for:-

- Extension of Judicial Custody remand
 - Test Identification Proceeding (TIP)
 - Hearing of Bail, etc.
- (b) "**Bail**" means release of a person accused of or suspected of commission of an offence from the custody of law when certain conditions, imposed by an officer or Court, on execution by such person of a bond or a bail bond.
- (c) "**Bail Bond**" means an undertaking for release with surety
- (d) "**Bond**" means a personal bond or an undertaking for release without surety
- (e) "**Electronic Communication**" means the communication of:
- (i) any written, verbal, pictorial information
 - (ii) 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
 - (iii) or a computer or audio-video player or camera or any other electronic device
 - (iv) or electronic form as may be specified by notification, by the Central Government.
- (f) An "**explanation**" has been provided mentioning therein that — Where any of the provisions of a Special Act are inconsistent with the provisions of B.N.S.S., the provisions of the Special Act shall prevail.

OLD Section CrPC

21

NEW Section BNSS

15

Special Executive Magistrates

15. 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 powers as are conferrable under this Sanhita on Executive Magistrates, as it may deem fit.

Comments:-

1. Under this section, addition has been made to the extent that the Special Executive Magistrate shall be a Police officer not below the rank of Superintendent of Police. Earlier, Deputy Suptt. Of Police (ACP) used to exercise the powers (in certain provisions of CrPC by way of notification) of Special Executive Magistrate in Delhi.
2. It means that the court of SEM (Special Executive Magistrate) will be presided by Police officer not below the rank of Superintendent of Police.

OLD Section CrPC

24

NEW Section BNSS

18

Public Prosecutors

18. (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:

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.

- (2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case in any district or local area.
- (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:

Provided that the Public Prosecutor or 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 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).

Explanation.—For the purposes of this sub-section,—

- (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;

(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.

(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.

(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has 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.

Comments:-

1. Under this section, addition has been made w.r.t. appointment for Public Prosecutor or Additional Public Prosecutors in **National Capital Territory of Delhi** which shall be done by Central Government in Consultation with the High Court of Delhi.
2. Earlier, it was State Government of Delhi which used to appoint Prosecutors and Additional Public Prosecutors in Delhi High Court but now this power has been given to Central Government by the new statute.

Directorate of Prosecution

20. (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.**
- (2) A person shall be eligible to be appointed,—
- (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**;
 - (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.**
- (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.
- (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.**
- (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.

- (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.**
- (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.**

Comments:-

1. Under this section, a new clause 1(b) has been added whereby state Government establish a District Directorate of Prosecution in every district

which consist of as many Deputy Directors and Assistant Directors of Prosecution, as it thinks fit.

2. Eligibility criteria for appointment:-

(i) Director of Prosecution or a Deputy Director of Prosecution:-

- Practice as an advocate for not less than fifteen years. (Earlier as per Cr.PC. the period of practice was not less than ten years)
- Or is or has been a Sessions Judge.

(ii) Assistant Director of Prosecution:-

- Practice as an advocate for not less than seven years.
- or has been a Magistrate of the first class.

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.**

4. Hierarchy of the Ranks of Prosecutors and work distribution has been mentioned which is as under:-

RANK	POWERS & FUNCTIONS
Director of Prosecution	<ul style="list-style-type: none"> • 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.
Deputy Director of Prosecution	<ul style="list-style-type: none"> • To examine and scrutinise police report. • Monitor the cases in which offences are punishable for seven years or more, but less than ten years, for ensuring their expeditious disposal.
Assistant Director of Prosecution	<ul style="list-style-type: none"> • To monitor cases in which offences are punishable for less than seven years.

5. Director, Deputy Director or Assistant Director of Prosecution shall have the power to deal with and be responsible for all proceedings under this Sanhita.

From the above it can be inferred that :-

- (i) Scrutiny of case files/police reports has also been acknowledged.
 - (ii) The prosecutors have been assigned specific roles and responsibility for all proceedings mentioned above.
6. Besides the above, other powers and functions can be assigned by State Government by notification.

OLD Section CrPC

29

NEW Section BNSS

23

Sentences which Magistrates may pass

23. (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 term not exceeding three years, or of fine not exceeding **fifty thousand rupees**, or of both, **or of community service**.
- (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**.

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.

Comments:-

1. Under this section enhancement of fine and “Community Service” has been added:-
 - (a) The power of Magistrate first class (besides other punishment) w.r.t. levying of fine not exceeding Rs. 10,000/- (Cr.PC.) has been increased to not exceeding Rs. 50,000/- and provision of community service has also been provided.
 - (b) The power of Magistrate second class (besides other punishment) w.r.t. levying of fine not exceeding Rs. 5,000/- (Cr.PC.) has been increased to not exceeding Rs. 10,000/- and provision of community service has also been provided
2. "Community service" is a work given under court order to a convict for a benefit of community without any remuneration, as a form of punishment.
3. Earlier, the limit for imposing fine by Magistrate of First Class was up to 10,000/- and by Magistrate of second class was up to 5,000/-.

OLD Section CrPC

40

NEW Section BNSS

34

Duty of officers employed in connection with affairs of a village to make certain report.

34. (1) Every officer employed in connection with the affairs of a village and every person residing in a village shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police station, whichever is nearer, any information which he may possess respecting—

- (a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in or near such village;
 - (b) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects, to be a robber, escaped convict or proclaimed offender;
 - (c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under **section 189 and section 191 of the Bharatiya Nyaya Sanhita, 2023;**
 - (d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;
 - (e) the commission of, or intention to commit, at any place out of India near such village any act which, if committed in India, would be an offence punishable under any of the **following sections of the Bharatiya Nyaya Sanhita, 2023, namely, 103, 105, 111, 112, 113, 178 to 181 (both inclusive), 305, 307, 309 to 312 (both inclusive), clauses (f) and (g) of section 326, 331 or 332;**
 - (f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the State Government, has directed him to communicate information.
- (2) In this section,—
- (i) "village" includes village lands;
 - (ii) the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority in any territory in India to

which this **Sanhita** does not extend, in respect of any act which if committed in the territories to which this Sanhita extends, **would be an offence punishable under any of the offence punishable with imprisonment for ten years or more or with imprisonment for life or with death under the Bharatiya Nyaya Sanhita, 2023;**

(iii) the words "officer employed in connection with the affairs of the village" means a member of the panchayat of the village and includes the headman and every officer or other person appointed to perform any function connected with the administration of the village.

Comments:-

Under this section, there is no major change in the provision except clause 2 (ii) whereby it is mentioned that the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority in any territory in India to which this **Sanhita** does not extend, in respect of any act which if committed in the territories to which this Sanhita extends, would be an offence punishable under any of the offence punishable with imprisonment for ten years or more or with imprisonment for life or with death under the Bharatiya Nyaya Sanhita, 2023.

OLD Section CrPC 41 & 41A NEW Section BNSS 35

When Police may arrest without warrant

35. (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 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
- (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
 - (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.

- (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.
- (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.
- (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.
- (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.**

Comments:-

1. Under this section, that in this provision section 41 and 41A of Cr.PC have been merged.
2. Besides the above, another rider has been made vide clause 7 wherein 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.
3. That means all cases either bailable or non bailable where the punishment is less than 3 years and such person is “infirm” or is “above sixty” years of age permission of DSP is required.

Designated Police Officers

37. The State Government shall—

- (a) establish a police control room in every district and at State level;
- (b) **designate a police officer in every district and in every police station, not below the rank of Assistant Sub-Inspector of Police who shall be responsible for maintaining the information about the names and addresses of the persons arrested, nature of the offence with which charged, which shall be prominently displayed in any manner including in digital mode in every police station and at the district headquarters.**

Comments:-

Under this section, every district and police station shall designate a police officer not below the rank of Assistant Sub-Inspector of Police who shall:-

- Be responsible for maintaining the information about the names and addresses of the persons arrested.
- Nature of the offence with which charged.
- The above details shall be prominently displayed including the digital mode in every police station and at the district headquarters.
- Every IO should be aware about such designated officer and he should ensure that information of arrest is given to him on time.

OLD Section CrPC

41 D

NEW Section BNSs

38

Right of arrested person to meet an advocate of his choice during interrogation

38. When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.

Comments:-

1. An advocate may be allowed to meet the person in custody only for reasonable time in visitor room/separate room but interrogation should not be in his presence. However, if situation demands, advocate may be in visible range of the arrested person but not in hearing range.
2. Similarly, when alleged/suspect comes with his advocate to join investigation under direction of 35(3) BNSs, accompanying advocate should not be allowed to be privy to the interrogation of alleged/suspect as explained above.

OLD Section CrPC

43

NEW Section BNSs

40

Arrest by private person and procedure on such arrest.

40. (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 station.

- (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**.
- (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.

Comments:-

1. Under this section, a private person has been empowered to arrest an accused person who has committed in his presence a non bailable & cognizable offence, or is any proclaimed offender. However, he shall do so without any unnecessary delay and handover the custody of the accused to a police officer and in absence of a police officer take to him in nearest police station (within six hours of arrest).
2. Thereafter, the police officer shall take him in custody if such person comes under the provision of 35(1) i.e. cases wherein any police officer may without an order from a magistrate and without a warrant arrest a person.
3. However, if the police officer feels that there are not sufficient reasons to believe that the accused person has committed any offence, he shall be released at once.

OLD Section CrPC

46

NEW Section BNSS

43

Arrest how made

43. (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:

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, 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 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.

Comments:-

Under this section **use of handcuff** by police officer is allowed while making arrest of a person or 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.

OLD Section CrPC

50 A

NEW Section BNSS

48

Obligation of person making arrest to inform about arrest, etc. to relative or friend.

48. (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.**

- (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.
- (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.
- (4) It shall be the duty of the Magistrate 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.

Comments:-

Under this section, the arresting police officer shall give information regarding such arrest of person and a place where he is held to :-

- Any of his relatives/friends,
- or such other persons, as he may disclose,
- or nominated by the arrested person for the purpose of giving such information,
- Besides the above the arresting officer shall also inform the above information to “**designated police officer**” in the district (This is in accordance with section 37 of B.N.S.S. which states that a police officer **not below the rank of A.S.I. shall maintain a record of persons arrested**).
- Entry to the effect that the arrested person was informed about his arrest and information of his arrest has been given to the family member/friend/nominated person as the case may be, should be made in daily diary and case diary.

OLD Section CrPC 52

NEW Section BNSS 50

Power to seize offensive weapons.

50. 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.

Comments:-

Under this section, power has been given to the I.O. to seize offensive weapon and produce the person in court immediately after the arrest is made.

OLD Section CrPC 53

NEW Section BNSS 51

Examination of accused by medical practitioner at request of police officer.

51. (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 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 whose name has been entered in the National Medical Register or a State Medical Register under that Act.**

Comments:-

1. Under this section, the **onus has been cast upon the medical practitioner that he shall without any delay forward the examination report to the investigating officer.**
2. Further, the definition of "Registered Medical practitioner" means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 and whose name has been entered in the National Medical Register or a State Medical Register under that Act.

Examination of arrested person by medical officer.

53. (1) When any person is arrested, he shall be examined by a medical officer in the service 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.

Comments:-

- Under this section, besides other duties, a proviso has been provided whereby "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".

2. This means that it is a duty of registered medical practitioner that all examination of accused which have to be done is his responsibility.
3. Accused person may claim a copy of his medical examination under this section or may nominate a person to have copy of his medical examination.

OLD Section CrPC

54 A

NEW Section BNSS

54

Identification of person arrested.

54. 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:

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.**

Comments:-

Under this section, addition has been made as a proviso that in cases where the person who is to identify the arrested person is mentally or physically disabled then:-

- (a) Process of identification shall be under the supervision of Magistrate.

- (b) The Magistrate shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with.
- (c) **The identification process shall be recorded by any audio-video electronic means.**

OLD Section CrPC

57

NEW Section BNSS

58

Person arrested not to be detained more than twenty-four hours.

58. No police officer shall detain in custody a 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.**

Comments:-

Under this section, the accused has to be produced within twenty-four hours from the time of arrest before the Magistrate whether having jurisdiction or not. However, the journey period from place of arrest to Magistrate's court is excluded from 24 hours.

OLD Section CrPC

61

NEW Section BNSS

63

Form of Summons

63. Every summons issued by a Court under this Sanhita shall be,—
- (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
 - (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.**

Comments:-

Under this section a new provision of form of summons has been introduced i.e.:

- (a) In an encrypted form or,
- (b) Any other form of electronic communication, which shall bear the image of the seal of the Court or digital signature.

OLD Section CrPC

62

NEW Section BNSS

64

Summons how served

64. (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:

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.

(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:

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.

(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.

Comments:-

This section pertains to service of summons. In the earlier provision of Cr.P.C., two provisos have been added for service of summons to any person/witness which are as under:-

- (a) 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.
- (b) 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.

OLD Section CrPC

63

NEW Section BNSS

65

Service of summons on corporate bodies, firms, and societies.

65. (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 which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

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.

(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.**

Comments:-

Under this section, a sub section (2) for service of summons to the corporate bodies/firms has been added which is as under:

- (a) 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,
- (b) 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 by post.

- (c) Further, service of summons issued by Court clause 63 BNSS can also be done through electronic communication.

OLD Section CrPC

64

NEW Section BNSS

66

Service when persons summoned cannot be found.

66. 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.

Explanation.—A servant is not a member of the family within the meaning of this section.

Comments:-

- Under this section, the words ‘some adult member’ have been added for service of summons on a person who cannot be found. The procedure for service of such summons is that:
 - 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 on the back of the duplicate.
- It has been explained that “**servant**” does not qualify as a member of family.

OLD Section CrPC

68

NEW Section BNSS

70

Proof of service in such cases and when serving officer not present.

70. (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.
- (2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.
- (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.**

Comments:-

The only change introduced now is the addition of sub-clause (3) i.e. service of summons through electronic communication would be considered as executed.

- (a) All summons served through electronic communication under sections 64 to 71 (both inclusive) shall be considered as duly served and
- (b) A copy of such summons shall be attested and kept as a proof of service of summons.

Service of summons on witness.

71. (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.
- (2) When an acknowledgment 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.

Comments:-

1. The word “**electronic communication**” has been added in sub section (1) and service of summons can be effected inter-alia by electronic communication also.
2. On receipt of the proof of delivery of summons under section 70 (3) B.N.S.S. by electronic communication, the summons may be deemed to have been served to the satisfaction of Court.

OLD Section CrPC

80

NEW Section BNSS

82

Procedure on arrest of person against whom warrant issued.

82. (1) When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which 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.
- (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.**

Comments:-

Under section 82 (1) no change/addition has been made with respect to execution of warrant of arrest outside the district in which it was issued. However, sub clause (2) has been added in this section. Vide this sub section, a police officer, while executing a warrant of arrest outside the district where the warrant was issued, shall:

- (a) 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
- (b) To such Designated Police Officer of the other district where the arrested person normally resides.

Proclamation for person absconding.

84. (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.

(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 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.

- (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).

Comments:-

1. This section is with respect to 'Proclamation for person absconding'. The only addition in the present section is in sub clause (4) wherein earlier various sections of IPC were mentioned for considering proclamation as a Proclaimed Offender and punishment was not a criteria.
2. Now the proclamation of a person under this section is with respect to "offences which are punishable with imprisonment of ten years or more, or imprisonment for life or with death" under BNS 2023 whereas previously in Cr.PC, the proclamation of a person was w.r.t. certain sections of IPC.
3. Further, if 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.

Attachment of property of person absconding.

85. (1) The Court issuing a proclamation under **section 84** may, for reasons to be recorded in writing, at any time after the issue of the proclamation, order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person:

Provided that where at the time of the issue of the proclamation the Court is satisfied, by affidavit or otherwise, that the person in relation to whom the proclamation is to be issued,—

- (a) is about to dispose of the whole or any part of his property; or
 - (b) is about to remove the whole or any part of his property from the local jurisdiction of the Court, it may order the attachment **of property** simultaneously with the issue of the proclamation.
- (2) Such order shall authorise the attachment of any property belonging to such person within the district in which it is made; and it shall authorise the attachment of any property belonging to such person without such district when endorsed by the District Magistrate within whose district such property is situate.
- (3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made—
- (a) By seizure; or
 - (b) by the appointment of a receiver; or
 - (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or
 - (d) by all or any two of such methods, as the Court thinks fit.

- (4) If the property ordered to be attached is immovable, the attachment under this section shall, in the case of land paying revenue to the State Government, be made through the Collector of the district in which the land is situate, and in all other cases—
- (a) by taking possession; or
 - (b) by the appointment of a receiver; or
 - (c) by an order in writing prohibiting the payment of rent on delivery of property to the proclaimed person or to any one on his behalf; or
 - (d) by all or any two of such methods, as the Court thinks fit.
- (5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.
- (6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under the Code of Civil Procedure, 1908.

Comments:-

1. Under this section only the word 'property' has been added in sub section 1(b).
2. It is noteworthy that order of attachment issued under this provision is for attaching the property within the district in which it has been made and for executing it out of the district it is required to be endorsed by concerned District Magistrate.
3. There should be evidence on file that the attached property belongs to the person against whom such an order has been made.

Identification and attachment of property of proclaimed person.

86. 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.

Comments:-

1. This section relates to Identification and attachment of property of proclaimed person. The Court may, on the written request from 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.
2. This provision is related to the attachment of crime proceeds/property in a foreign country with whom India has a contract(extradition Treaty or Mutual legal assistance Treaty, etc.)

OLD Section CrPC

91

NEW Section BNSS

94

Summons to produce document or other thing.

94. (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
 - (b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority.

Comments:-

1. In this section, words:
 - (a) “electronic communication”,
 - (b) “including communication devices, which is likely to contain digital evidence” have been added in the earlier provision of 91 Cr.P.C.

2. Any Court, by way of summons, or any officer by written order, may issue either in physical form or in electronic form, to a person believed to be in possession such document or thing to attend and produce at the time and place as mentioned as mentioned in the summons or the order.
3. There is no need for the officer to appear in person, if the document or thing is caused to be produced instead of attending personally to produce the same.
4. In case of seizure of electronic evidence, due care and caution shall be taken in seizure depending on the device and evidence being seized.
5. Chain of Custody of digital evidence is to be prepared and to be forwarded with chargesheet- as per the new procedure in BNSS.

OLD Section CrPC

92

NEW Section BNSS

95

Procedure as to letters.

95. (1) If any document, parcel or thing in the custody of a postal authority is, in the opinion of the District Magistrate, Chief Judicial Magistrate, Court of Session or High Court wanted for the purpose of any investigation, inquiry, trial or other proceeding under this **Sanhita**, such Magistrate or Court may require the postal authority to deliver the document, parcel or thing to such person as the Magistrate or Court directs.
- (2) If any such document, parcel or thing is, in the opinion of any other Magistrate, whether Executive or Judicial, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal authority to cause search to be made for and to detain such document, parcel or thing pending the order of a District Magistrate, Chief Judicial Magistrate or Court under sub-section (1).

Comments:-

1. Under this section, the word “telegram” has been deleted.
2. It means that a document or thing which was being sought through this notice, now after deletion of the word ‘telegram’ in this section is to be produced by issuing order or summons as per Section 94 B.N.S.S. as electronic communication, including communication devices, which is likely to contain digital evidence.

OLD Section CrPC

94

NEW Section BNSS

97

Search of place suspected to contain stolen property, forged documents, etc.

97. (1) If a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that any such objectionable article is deposited in any place, he may by warrant authorise any police officer above the rank of a constable—
- (a) to enter, with such assistance as may be required, such place;
 - (b) to search the same in the manner specified in the warrant;

- (c) to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article to which this section applies;
 - (d) to convey such property or article before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose of it in some place of safety;
 - (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or production of any such property or article knowing or having reasonable cause to suspect it to be stolen property or, as the case may be, objectionable article to which this section applies.
- (2) The objectionable articles to which this section applies are—
- (a) counterfeit coin;
 - (b) pieces of metal made in contravention of the **Coinage Act, 2011**, or brought into India in contravention of any notification for the time being in force **issued** under section 11 of the Customs Act, 1962;
 - (c) counterfeit currency note; counterfeit stamps;
 - (d) forged documents;
 - (e) false seals;
 - (f) obscene objects referred to in section 294 of the **Bharatiya Nyaya Sanhita, 2023**;
 - (g) instruments or materials used for the production of any of the articles mentioned in clauses (a) to (f).

Comments:-

Under this section, 'Metal Token Acts, 1889' has been replaced with the 'Coinage Act 2011'

OLD Section CrPC

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NEW Section BNSS

105 (Fresh Addition)

Recording of search and seizure through audio video electronic means.

105. 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.

Comments:-

1. This is a new provision added in the Sanhita.
2. This pertains to 'Search of a place and Seizure or taking possession of any property, article or thing'. The process defined herein shall also be followed in Section 185 B.N.S.S. (Search by Police Officer) as per which following steps are to be taken:
 - (a) Preparation of the list of all things seized
 - (b) Signing of such lists by witnesses
 - (c) The above proceedings of preparation and signing to be recorded through 'audio-video electronic means'
 - (d) Without delay, forwarding such recording to the District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class.
3. This section pertains to Search of a place or taking possession/seizing of any article, thing or property during investigation.

4. As per this section, any such search or taking possession/seizure shall be recorded through “audio-video electronic means”. This recording should also include the list of articles seized during this search and signing of the witnesses on this seizure memo.
5. Thereafter, the Police Officer shall without delay forward such delay to the District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class.
6. This section comes into play during the course of investigation i.e.:-
 - (a) When there is credible information that some incriminating evidence is available in a place, the procedure mentioned in this section needs to be followed.
 - (b) During the course of investigation, if the IO is of the opinion that immediate search & seizure has to be carried out otherwise such evidence may be removed/deleted etc. Then the IO needs to follow the provisions of Sec 185 BNSS. Subsequent to this, the IO acts upon this information and conducts search and seizure of a place which should be in accordance to Sec 105 BNSS.
 - (c) If the IO has taken an accused in Police Custody Remand and on the disclosure statement of the accused then also the provisions as mentioned above need to be followed.
 - (d) Cases wherein search of a place is carried out for finding any incriminating evidence and during such search if no incriminating evidence is found then also IO should prepare a “Non-Recovery Memo” duly signed by the witnesses should be prepared as per Provisions of Sec 105 BNSS.
 - (e) The above section pertains to search of a place with or without a warrant. It does not pertain to searching of an individual.
 - (f) In cases of chance recovery or cases of Special Acts, the IO shall wait for the Forensic Expert and videographer to proceed further if the punishment of the alleged offence is more than 7 years.

OLD Section CrPC

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NEW Section BNSB

107 (Fresh Addition)

Attachment, forfeiture or restoration of property.

107. (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 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) Not with standing 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.**

Comments:-

1. This new section has been introduced in the Sanhita since it has been learnt from past experience that there was no specific section to deal with issues wherein property was derived/earned directly or indirectly from proceeds of crime.

The Investigating Officers, while invoking this section and before moving an application before the Hon'ble Court make all efforts to find out how the said property in question is being linked with the proceeds of crime. For this, the Investigating Officer should find out what is the source of income projected by him to the Government authorities viz. whether he has filed the ITR, mode of payment of the property purchased etc. These suggestions are not exhaustive. The application may be made before the Hon'ble Court with the approval of Deputy Commissioner of Police.

2. 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 Police or Commissioner of Police, make an application to the Court or the Judicial Magistrate exercising jurisdiction to take cognizance of the offence or commit for trial or try the case, for the attachment of such property.
3. If the Court or the Judicial 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.**
4. Where the notice issued to any person in (2) above 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.
5. The Court or the Judicial Magistrate, after considering the explanation, if any, may issue Show Cause Notice as above and based on 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.
6. If such person does not appear before the Court or the Magistrate or represent his case before the Court or Judicial Magistrate within a period of **fourteen days** specified in the show cause notice, **the Court or the Judicial Magistrate may proceed to pass the ex parte order.**
7. If the Court or the Judicial Magistrate is of the opinion that issuance of notice under point (2) would defeat the object of attachment or seizure, the Court or Judicial 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 in (6) below is passed.
8. If the Court or the Judicial Magistrate finds the attached or seized properties to be the proceeds of crime, the Court or the Judicial Magistrate shall by

order direct the District Magistrate to rateably distribute such proceeds of crime to the persons who are affected by such crime.

9. On receipt of an order passed in (6) above, 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.
10. 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.
11. The word "property" and the expression "proceeds of crime" shall have the meaning assigned to them in sub-clause (d) of clause 111.

OLD Section CrPC

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NEW Section BNSS

112 (Fresh Addition)

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

112. (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.

- (2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.**
- (3) Every statement recorded or document or thing received under subsection (1) shall be deemed to be the evidence collected during the course of investigation under this Sanhita.**

Comments:-

1. Under this section, if during the course of investigation of an offence, the Investigating Officer or Officer senior to him, makes an application in the Court mentioning that the evidence may be available in a country outside India then any criminal court may issue a 'Letter of Request' to the Court or an authority competent to deal with such request as to;
 - (a) 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,
 - (b) 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.
2. The above request should be sent in a manner as specified by the Central Government.
3. All such statements or documents so received shall be deemed to be the evidence collected during the investigation.
4. The purpose of this section is to help the investigating agencies in India for collection of evidence outside India of cases being investigated in India. The procedure mentioned above has been devised to facilitate such investigation and collection of evidence in the manner as Central Government may deem fit.

OLD Section CrPC

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NEW Section BNSS

113 (Fresh Addition)

Letter of request from a country or place outside India to a Court or an authority for investigation in India.

113. (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—
- (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
 - (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.
- (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.

Comments:-

1. This section is reciprocal to Section 112 B.N.S.S.
2. In this section, 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:
 - (a) Appoint the Chief Judicial Magistrate or Judicial Magistrate in this behalf who shall summon the person and record his statement or cause the document or thing to be produced.
 - (b) Ask the police officer to investigate the offence as if the said offence had been committed in India.
 - (c) All such evidence taken or collected by Magistrate or Police Officer shall be forwarded to Central Government who shall further transmit it to the requesting court or authority.
3. The purpose of this section is to help in investigation/collection of evidence in India of matters being investigated outside India after Central Government receives request from the concerned Court or the Competent authority.

OLD Section CrPC

111

NEW Section BNSB

130

Order to be made

130. 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.**

Comments:-

Under this section, the Magistrate can satisfy himself after confirming:

- (a) The number of sureties
- (b) Sufficiency and fitness of sureties

OLD Section CrPC

129

NEW Section BNSS

148

Dispersal of assembly by use of civil force.

148.(1) Any Executive Magistrate or officer in charge of a police station or, in the absence of such officer in charge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

(2) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Executive Magistrate or police officer referred to in sub-section (1), may proceed to disperse such assembly by force, and may require the assistance of **any person**, not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Comments:-

Under this section, no change has been done except for omitting the word “male” in sub section (2). Now, an Executive Magistrate or Police Officer can avail help of “any person” irrespective of gender of such person for the purpose of dispersing the unlawful assembly.

OLD Section CrPC

130

NEW Section BNSS

149

Use of armed forces to disperse assembly.

149.(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 **District Magistrate or any other Executive Magistrate** authorised by him, who is present, may cause it to be dispersed by the armed forces.

- (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.
- (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.

Comments:-

1. Under this section, District Magistrate or any other Executive Magistrate authorised by him have been empowered to cause unlawful assembly to be dispersed by the armed forces.
2. Further, in sub Section (2), the officer in command of the armed forces may be directed by Executive Magistrate to disperse the assembly with the help of forces under his command or the Executive Magistrate, may direct, if necessary to arrest and confine in order to disperse the assembly.

OLD Section CrPC

134

NEW Section BNSS

153

Service or notification of order.

153.(1) The order shall, if practicable, be served on the person against whom it is made, in the manner herein provided for service of summons.

(2) If such order cannot be so served, it shall be notified by proclamation published in such manner as the State Government may, by rules, direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Comments:-

1. This section proposes to allow the conditional order for removal of nuisance to be notified by electronic communication in the manner provided for 'service of summons'.
2. In case the order cannot be notified, proclamation shall be published as per the rules of State Government.

OLD Section CrPC

135

NEW Section BNSS

154

Person to whom order is addressed to obey or show cause.

154. The person against whom such order is made shall—

- (a) perform, within the time and in the manner specified in the order, the act directed thereby; or

(b) appear in accordance with such order and show cause against the same; and **such appearance or hearing may be permitted through audio-video conferencing.**

Comments:-

1. This section provides that the person against whom conditional order for removal of nuisance is made, shall:
 - (a) obey the order, or
 - (b) appear in accordance with such order and show cause against the same during the hearing.
2. Further, the new addition in Clause 154 of B.N.S.S. also allows such person to show cause through 'audio-video conferencing'.

OLD Section CrPC

136

NEW Section BNSS

155

Penalty for failure to comply with section 154.

155.If the person against whom an order is made under **section 154** does not perform such act or appear and show cause, he shall be liable to the penalty specified in that behalf in **section 223 of the Bharatiya Nyaya Sanhita, 2023**, and the order shall be made absolute.

Comments:-

1. This is a penal provision for violation of Section 154 B.N.S.S. and penalty of the same has been specified in Section 223 of B.N.S.S.
2. Under this section heading has been changed.

OLD Section CrPC

138

NEW Section BNSS

157

Procedure where person against whom order is made under section 152 appears to show cause.

- 157.(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.
- (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.
- (3) If the Magistrate is not so satisfied, no further proceedings shall be taken in the case:

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.

Comments:-

Under this section, a time limit of 90 days has been imposed on the Magistrate to conclude the proceedings with respect to Section 152 which may be extended to 120 days, with reasons to be recorded in writing.

OLD Section CrPC 143

NEW Section BNSS 162

Magistrate may prohibit repetition or continuance of public nuisance.

162. 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.

Comments:-

In this section, 'Deputy Commissioner of Police empowered by the State Government or the District Magistrate in this behalf' has also been empowered along with a District Magistrate or Sub-divisional Magistrate, or any other Executive Magistrate to pass order against a person not to repeat or continue a public nuisance.

OLD Section CrPC

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NEW Section BNSS

172 (Fresh Addition)

Persons bound to conform to lawful directions of police.

172. (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.

Comments:-

1. Under this section, a police officer is empowered to give lawful directions for fulfilment of any of his duties and the person being directed is lawfully bound to follow those directions.
2. If the person being directed resists, refuses, ignores or disregards the lawful directions, then the Police Officer may detain or remove that person.
3. Further, the Police Officer may either present the person before Magistrate or, in petty cases, release him before 24 hours.
4. The sections enumerated under Chapter XXII are as under:
 - (i) 168, B.N.S.S.: Every Police officer, if he deems fit, can interpose to prevent commission of any cognizable offence.
 - (ii) 169, B.N.S.S.: Every Police Officer, on receiving information of design to commit cognizable offence, shall pass the same to his superior officer empowered to take action on the information.
 - (iii) 170, B.N.S.S.: A Police officer, if has apprehension that cognizable offence can transpire, may arrest the person to prevent the cognizable offence.
 - (iv) 171, B.N.S.S.: A Police Officer, may interpose, to prevent any injury of a public property.



Section B

Information in Cognizable Cases

173 (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 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.

(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 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.**”

Comments:-

1. The new act envisages that on receipt of information, an FIR will be registered irrespective of the area where the offence has been committed.
2. Statement for registration of FIR may be given orally or by electronic communication. If given orally, the statement will be reduced in writing by the person giving the statement or to whom the statement is given and it shall be signed by the person.
3. In case of electronic communication, it shall be taken on record by officer in charge of the police station on being signed within 3 days by the person giving it.
4. In case where information is given by a woman against whom an offence u/s 64 to 71, 74 to 79 or 124 of BNS is alleged to have been committed, the information shall be recorded, by a woman police officer or any woman officer.
 - (a) **U/s 64 to 71:-** U/s 64 (Punishment for rape), U/s 65 (Punishment for rape in certain cases i.e. against a woman under age of 16 years and against a woman under age of 12 years {death penalty}), U/s 66 (Punishment for causing death or resulting in persistent vegetative state of victim), U/s 67 (Sexual Intercourse by husband upon his wife during separation), U/s 68 (Sexual Intercourse by a person in authority), U/s 69 (Sexual intercourse by employing deceitful means which will include inducement for, or false promise of employment or promotion, or marrying by suppressing identity), U/s 70 (Gang rape), U/s 71 (Punishment for repeat offenders),
 - (b) **U/s 74 to 79:-** U/s 74 (Assault or use of criminal force to woman with intent to outrage her modesty), U/s 75 (Sexual Harassment), U/s 76 (Assault or use of criminal force to woman with intent to disrobe), U/s 77 (Voyeurism), U/s 78 (Stalking), U/s 79 (Word, gesture or act intended to insult modesty of a woman) or
 - (c) **U/s 124** (Voluntarily causing grievous hurt by use of acid etc.)
5. In this section, a new provision w.r.t. conducting preliminary enquiry has

been incorporated whereby on receipt of information relating to commission of any cognizable offence, which is made punishable for 3 years or more but less than 7 years, the officer in charge of the police station may with the prior permission from an officer not below the rank of DSP, considering the nature and gravity of offence:

- (a) proceed to conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within a period of 14 days.
 - (b) proceed with the investigation when there exists a prima facie case.
 - (c) In section 173 (4) specific mention of “**making an application to the Magistrate**” is introduced in cases where the FIR is not registered even when the complaint/information has been given to the Supdt. of Police.
6. From the above provisions, it is concluded that wider powers have been given to Police and the public w.r.t. registration of FIR:
- (a) FIR can be registered at any police station irrespective of the area where cognizable offence occurred.
 - (b) FIR can be registered orally which is to be reduced in writing and also by electronic communication which has to be signed within 3 days of giving the information.
 - (c) Women police officer or Women officer shall record the statement of victims (female) in cases of sexual offences.
 - (d) Provision of preliminary enquiry up to 14 days has been provided, in respect of offences with punishment of 3 years or more but less than 7 years, to find out whether prima facie any cognizable case occurred or otherwise.
 - (e) From this section of 173 (4), it is clear that any person can file an application only after having given his complaint to his officer in charge of police station; if he doesn't register an FIR, then he may file a complaint to Supdt. Of Police for registration of FIR. If the FIR is not registered then he may “**make an application to the Magistrate**”.

Information as to Non-Cognizable Cases and Investigation of such cases

174.“(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 without warrant) as an officer in charge of a police station may exercise in a cognizable case.

(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.”

Comments:-

1. In non-cognizable cases, the police officer apart from referring the complainant to Magistrate shall also forward a daily diary report of such cases to the Magistrate fortnightly.

2. As per sub clause 1 (ii), the only addition is that **a daily diary report of all such cases shall be forwarded to the Magistrate fortnightly.**
3. Other than the above changes, there is no change in the provision as was mentioned in the old section i.e. 155 Cr.P.C. (information as to non-cognizable cases and investigation of such cases)

OLD Section CrPC

156

NEW Section BNSS

175

Police Officer's power to investigate cognizable offences

175.“(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: 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.**

(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.

(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.

- (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—
- (a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and
 - (b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.”

Comments:-

1. Investigation of the case would be conducted by officer in charge for the offence occurring under his jurisdiction as provided under Chapter XIV (as provided under sections 197 to 209, BNSS, which is regarding jurisdiction, on the basis of which investigation can be conducted by officer in charge of a police station).
2. Considering the nature and gravity of the offence, the Superintendent of Police may assign the investigation to Deputy Superintendent of Police to investigate the case.
3. As per Section 175 (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.
4. Section 175 (4) provides protection against false and frivolous cases against public servants discharging their official duties. As per this section, the Magistrate shall now take cognizance of a complaint against public servant arising in the course of discharge of his official duties after:
 - (a) seeking a report from the officer superior to him,
 - (b) considering the assertions submitted by the officer against whom complaint has been made.

OLD Section CrPC

157

NEW Section BNSS

176

Procedure of Investigation

176.“(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 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 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.”

Comments:-

1. For bringing credibility to the investigation, officer in charge shall ensure that forensic experts visit the crime scene in offences punishable for 7 years or more, mandatorily, to collect evidence and also the said process will be video-graphed, preferably by a mobile phone or any other electronic device.
2. However, the State shall, within a period of 5 years make the above process of collection of forensic evidence compulsory in all such cases. If the forensic facility is not available in a particular state, then the said facility can be availed from the adjoining state as notified by the State Government.
3. Section 176 also provides that in order to protect the victims of rape, the recording of statement of the victim will be done by a woman police officer as far as practicable and may also be recorded through any audio-video electronic means including mobile phone at the place of her choice and in presence of her parents or guardians.

4. In respect of proviso (a) and (b) to Clause 1 of Section 176, a report has to be sent to Magistrate fortnightly with the reasons for not complying with the proviso (a) of above sections. Further, w.r.t. proviso (b) informant shall be informed as per the rules made by the State Government.
5. **Procedure to be followed by IO for examining Scene of Crime**
 - (a) Information about an offence is received by IO.
 - (b) IO goes to the spot and checks the credibility of the information.
 - (c) After verification, he finds that the offence is cognizable, and is one in which the punishment for the offence as per B.N.S. is 7 years and above.
 - (d) IO immediately preserves the scene of crime and also immediately calls Forensic Experts and Videographer on the Scene of Crime.
 - (e) Thereafter, IO along with Forensics Experts examines the Scene of Crime.
 - (f) The relevant evidence on the Scene of Crime are lifted with the help of Forensic Experts and the complete process of examining the Scene of Crime and lifting of evidence has to be video-graphed.
 - (g) The videography of the exhibits continues i.e. sealing of exhibits, preparation of Seizure Memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).
6. As per this provision, only '**Videography**' has to be carried out at the Scene of Crime. However, this section has to be read along with Section 105 B.N.S.S.
7. It is also to be kept in mind that there is no requirement of any 'Forensic Examiner' to be called during such search & seizure process in the other two sections i.e. 105 BNSS and 185 BNSS.

OLD Section CrPC

158

NEW Section BNSS

177

Report how submitted

177. "(1) Every report sent to a Magistrate under section 176 shall, if the State Government so directs, be submitted through such superior officer of police as the State Government, by general or special order, appoints in that behalf.
- (2) Such superior officer may give such instructions to the officer in charge of the police station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate."

Comments:-

This pertains to mandatory dispatch of FIR to the Magistrate and there is no change in the new provisions except under section 176 B.N.S.S.

OLD Section CrPC

159

NEW Section BNSS

178

Power to hold investigation or preliminary inquiry.

178. "The Magistrate, on receiving a report under section 176, may direct an investigation, or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in the manner provided in this Sanhita."

Comments:-

1. No change made in the present section other than addition of word under section 176.
2. On receiving a police report, the Magistrate may dismiss a case if there are no sufficient grounds for investigation.
3. An enquiry under this section can be made only on submission of a police report i.e. a report made before the completion of the Police investigation.

OLD Section CrPC

160

NEW Section BNSS

179

Police Officer's Power to require attendance of witness

179.“(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 shall be required to attend at any place other than the place in which such person resides: Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.

(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 undersub-section (1) at any place other than his residence.”

Comments:-

1. No male person under the age of 15 years and above 60 years (earlier it was 65 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 his residence.
2. Provided further, if such person is willing to attend at the police station, he/she may be permitted to do so.

OLD Section CrPC

161

NEW Section BNSS

180

Examination of Witness by Police

- 180.(1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.
- (2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.
 - (3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records: Provided that statement made under this sub-section may also be recorded by audio-video electronic

means: Provided further that the statement of a 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, shall be recorded, by a woman police officer or any woman officer.

Comments:-

1. This section pertains to examination of any person, acquainted with facts and circumstances of the case, orally and recording their statement during investigation.
2. The Proviso in this section allows that the statement may also be recorded by audio-video or electronic means.
3. Offences pertaining to section 64 to 71, 74 to 79 or 124 (Sexual offences against women and acid attack) all of B.N.S.S alleged to have been committed or attempted, **shall be recorded, by a woman police officer or any woman officer.**

OLD Section CrPC

162

NEW Section BNSS

181

Statements to Police and use thereof

181.“(1) No statement made by any person to a police officer in the course of an investigation under this Chapter, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such

statement or record, be used for any purpose, save as hereinafter provided, at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by section 148 of the **Bharatiya Sakshya Adhiniyam, 2023**; and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of **clause (a) of section 26 of the Bharatiya Sakshya Adhiniyam, 2023**; or to affect the provisions of the proviso to sub-section (2) of **section 23 of that Adhiniyam**.

Explanation.—An omission to state a fact or circumstance in the statement referred to in sub-section (1) may amount to contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs and whether any omission amounts to a contradiction in the particular context shall be a question of fact.”

Comments:-

1. As per this section, no statement made to Police which is reduced to writing and signed by the person who makes it and that no such statement or any record of such statement whether in Police diary or otherwise shall be used for any purpose other than those stated in the section.
2. This statement can be used for contradicting a prosecution witness as per Section 148 B.S.A. This statement cannot be used for corroboration of the evidence of witness in the Court.

OLD Section CrPC 163

NEW Section BNSS 182

No inducement to be offered

182.“(1) No police officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in **section 22 of the Bharatiya Sakshya Adhiniyam, 2023.** (2) But no police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will: Provided that nothing in this sub-section shall affect the provisions of sub-section (4) of **section 183.**”

Comments:-

1. There is no change in this section other than the addition of Section 22 of B.S.A. in place of Section 24 of Indian Evidence Act.
2. This section prohibits a police officer or a person in authority from offering or making any inducement, threat or promise as is mentioned in Section 22 B.S.A. but a police officer or other person shall not prevent, by any caution any person from making any statement which he may be disposed to make of his own free will.

OLD Section CrPC 164

NEW Section BNSS 183

Recording of confessions and statements

183.“(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: 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: 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 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 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;**

- (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 Adhinyam, 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.

(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.

Comments:-

1. In this section, the word “Metropolitan” and “Judicial” have been deleted and only “Magistrate” has been mentioned in the present section.
2. In this section, now any Magistrate of the District in which the information of commission of the offence has been registered (whether having jurisdiction in the case or not) is made competent to record the confession or statement made to him in the course of an investigation.
3. As per Section 183 (6)(a), the statement as far as practical, be recorded by ‘Woman Magistrate’ and in her absence by a Male Magistrate in the presence of a woman in offences pertaining to section 64 to 71, 74 to 79 or 124 (Sexual offences against women and acid attack) all of B.N.S.S.
4. For “serious” and “heinous” offences, as per Section 183 B.N.S.S., cases relating to offences punishable with imprisonment for 10 years or more, or imprisonment for life, or with ‘death’, the Magistrate shall mandatorily record the statement of the witnesses brought before him by the Police Officer.
5. Further, if the person making the statement is temporarily or permanently, mentally or physically disabled, the Magistrate shall take assistance of an interpreter or special educator to record the statement and shall also record the statement through audio-video electronic means.

OLD Section CrPC 164 A NEW Section BNSs 184

Medical examination of victim of rape.

- 184.“(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 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.**"

Comments:-

The present section is the same as the earlier section i.e. 164 A Cr.P.C. Only addition is that a time limit (7 days) has been cast on the medical practitioner who shall forward the report to the Investigation Officer who, in turn shall forward it to the Magistrate (referred to in Section 193 B.N.S.S. as part of the Charge sheet).

OLD Section CrPC

165

NEW Section BNSS

185

Search by Police Officer

185.“(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 made; and such subordinate officer may thereupon search for such thing in such place.
- (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.
- (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.”

Comments:-

1. In cases where the Police Officer is of the opinion that search has to be made immediately then 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. In the above context, the search conducted under the above section shall be recorded through "audio-video electronic means" preferably by mobile phone.
3. Further, this section also mandates that copies of record made under the sub section (1) and (3) of this section shall be sent to nearest Magistrate empowered to take cognizance, but not later than 48 hours.
4. Moreover, the copies of the above records shall be given to the owner or the occupier of the place searched, on application, be furnished, free of cost by the Magistrate to the applicant.
5. The earlier section was 165 Cr.P.C. Now it is 185 BNSS. The only addition is the words 'audio-video electronic means'. Earlier, there was no provision of videography. Now it has become mandatory for the IO to record the proceedings thorough 'audio-video device'. However, it is reiterated that while doing so, provisions of Sec 105 BNSS have also to be followed.
6. The basic purpose of this section is that in case, information has been received that search of a place is immediately required, but if the Police Officer is of the opinion that time would be lost in obtaining search warrant, and in all probability the incriminating evidence/material would be removed/deleted/tampered/destroyed etc. In such circumstances, the legislature has provided this section wherein the IO has to record reasons for not obtaining Search Warrant in the Case diary and effect the search.

OLD Section CrPC

166

NEW Section BNSS

186

When officer in-charge of police station may require another to issue search warrant.

- 186.(1) An officer in charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.
- (2) Such officer, on being so required, shall proceed according to the provisions of **section 185**, and shall forward the thing found, if any, to the officer at whose request the search was made.
- (3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making any investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of **section 185**, as if such place were within the limits of his own police station.
- (4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situated, and shall also send with

such notice a copy of the list (if any) prepared under **section 103**, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in sub-sections (1) and (3) of **section 185**.

- (5) The owner or occupier of the place searched shall, on application, be furnished free of cost with a copy of any record sent to the Magistrate under sub-section (4).

Comments:-

1. As per sub section (3) and (4) of this section, in certain circumstances, power is given to an officer in charge of one Police Station to search or cause to be searched places within the local limits of other Police Station.
2. A police officer in charge of a Police Station or a Police Officer (not below the rank of Sub Inspector), if he has reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1), might result in loss of evidence, it shall be lawful for him under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of **section 185** (search conducted under this section shall be recorded through 'audio-video electronic means' preferably by mobile phone), as if such place were within the limits of his own police station under the provisions of Section 185.
3. Further, as per this section, copies of record made under the sub section (3) shall be sent to nearest Magistrate empowered to take cognizance but not later than 48 hours.

OLD Section CrPC

167

NEW Section BNSS

187

Procedure when investigation cannot be completed in twenty-four hours.

187.(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 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 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.
- (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 I.—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 II.—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.

(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 **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 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.

Comments:-

1. Section 187 gives the opportunity to seek police custody of the accused for a maximum of 15 days spread over the period of first 40/60 days of total detention period of 60/90 days. The section provides that the police officer shall have such custody of an accused only if he is not on bail or if his bail has been cancelled.
2. To further protect the right of the accused to bail, section 480 specifically provides that the accused being required for police custody beyond the first 15 days, will not be the sole ground for refusing grant of bail to the accused.
3. Further, Section 187 provides that the detention shall only be in a police station under police custody or in prison under judicial custody or any other place declared as a prison by the Central Government or the State Government.

OLD Section CrPC 168

NEW Section BNSS 188

Report of investigation by subordinate police officer.

188. “When any subordinate police officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police station.”

Comments:-

Report made by Police Officer in compliance of this section is basically the details of investigation conducted by him and evidence collected, which are forwarded by him to the Officer in charge of the Police Station. This document is not a public document as per Section 74 of B.S.A.

OLD Section CrPC 169

NEW Section BNSS 189

Release of accused when evidence deficient.

189. “If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond or bail bond, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial.”

Comments:-

There is no change in this provision and it only pertains to release of accused in custody (with or without surety) when there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to the Magistrate.

OLD Section CrPC

170

NEW Section BNSS

190

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

190.“(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 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 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.”

Comments:-

1. This section is a counterpart of Section 189 of B.N.S.S. It requires the officer in charge of a police station to send a case to Magistrate when evidence is sufficient. This is the only section under which the police can take recognizance from the accused for his appearance before a Magistrate.
2. New provision has been added as a proviso that if the accused is not in custody, the police officer shall take security from such person for his appearance before the Magistrate.
3. Once the above requirement is fulfilled, 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.

OLD Section CrPC

171

NEW Section BNSS

191

Complainant and witnesses not to be required to accompany police officer and not to be subject to restraint.

191.No complainant or witness on his way to any Court shall be required to accompany a police officer, or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Provided that if any complainant or witness refuses to attend or to execute a bond as directed in **section 190**, the officer in charge of the police station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Comments:-

There is no change in this section except words under section 191 B.N.S.S.

OLD Section CrPC

172

NEW Section BNSS

192

Diary of proceedings in investigation

192.(1) Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

- (2) The statements of witnesses recorded during the course of investigation under **section 180** shall be inserted in the case diary.
- (3) The diary referred to in sub-section (1) shall be a volume and duly paginated.
- (4) Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.
- (5) Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of **section 148 or section 164**, as the case may be, of the **Bharatiya Sakshya Adhiniyam, 2023**, shall apply.

Comments:-

1. This section shows what a "case diary" of a police officer making an investigation shall enter his proceedings (time at which he began and closed his investigation) which may be used at the trial or inquiry, not as evidence

in the case but to aid the Court in such inquiry or trial. The provisions of this section do not apply to an inquiry or an investigation started under section 194 of the B.N.S.S.

2. The entries in a police diary should be made with promptness in sufficient details mentioning all significant facts in careful chronological order and with complete objectivity.

OLD Section CrPC

173

NEW Section BNSS

193

Report of police officer on completion of investigation.

- 193.(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 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;**
 - (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;
 - (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 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.

Comments:-

1. The existing provisions of section 173 (7) of Cr.PC provide that 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 following documents:
 - (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 161 of Cr.PC (Clause 180 of BNSS) of all the persons whom the prosecution proposes to examine as its witnesses.
2. **Section 193 of BNSS proposes to make the following changes to above provisions:**
 - (a) Section 193(8) proposes to make it obligatory for Police Officer investigating the case to submit such number of copies of the police report along with other documents duly indexed to the Judicial Magistrate for supply to the accused as required under clause 230 of B.N.S.S. It is proposed to replace the words "where the police officer investigating the case finds it convenient so to do, he may furnish" with the words "shall also submit".
 - (b) Supply of report and other documents by electronic communication shall be considered as duly served.
 - (c) Proviso to section 193(9) provides a timeline for conducting further investigation during trial. It has been provided that during trial, if further investigation is required, it shall be completed within 90 days, and any extension of time period beyond 90 days shall only be with the permission of the Court.

Police to enquire and report on suicide, etc.

- 194.(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 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 in any circumstances raising a reasonable suspicion that

some other person committed an offence in relation to such woman;
or

(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

(iv) there is any doubt regarding the cause of death; or

(v) the police officer for any other reason considers it expedient so to do, 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.

(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.

Comments:-

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**.

Power to summons persons

195.(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.

Comments:-

1. 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.
2. However, if such person is willing to attend and answer at the police station, such person may be permitted to do so.

OLD Section CrPC

176

NEW Section BNSS

196

Inquiry by magistrate into cause of death

196.(1) When the case is of the nature referred to in clause (i) or clause (ii) of sub-section (3) of **section 194**, the nearest **Magistrate** empowered to hold inquests shall, and in any other case mentioned in sub-section (1) of **section 194**, any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police officer; and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence.

(2) Where,—

(a) any person dies or disappears; or

(b) rape is alleged to have been committed on any woman, while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court, under this **Sanhita** in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Magistrate within whose local jurisdiction the offence has been committed.

(3) The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any manner hereinafter specified according to the circumstances of the case.

(4) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

- (5) Where an inquiry is to be held under this section, the Magistrate shall, wherever practicable, inform the relatives of the deceased whose names and addresses are known, and shall allow them to remain present at the inquiry.
- (6) The Magistrate or the Executive Magistrate or the police officer holding an inquiry or investigation under sub-section (2) shall, within twenty-four hours of the death of a person, 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, unless it is not possible to do so for reasons to be recorded in writing.

Explanation.—In this section, the expression "relative" means parents, children, brothers, sisters and spouse.

Comments:-

1. Under this section when any person dies or disappears while in the custody of the police or rape is alleged to have been committed on any woman in the custody of Police, or any other custody authorised by Magistrate, it is obligatory on the nearest Magistrate to hold an inquiry in whose jurisdiction the offence has been committed.
2. In any other case mentioned in section 194 sub-section (1), the Magistrate may hold an inquest either instead of, or in addition to, the investigation held by the police officer.
3. The relatives of the dead person should, whenever possible, be notified and allowed to be present in the inquiry.
4. There is no change in this section except words under section 196 B.N.S.S.



Section C

Offence committed outside India.

208. 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.

Comments:-

Under this section, the words, “or where the offence is registered in India” have been added. This implies that any offence, if committed outside the boundary of India on any ship or aircraft registered in India, or where the offence is registered in India, will be tried in India itself.

OLD Section CrPC

189

NEW Section BNSS

209

Receipt of evidence relating to offences committed outside India.

209. When any offence alleged to have been 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.

Comments:-

Under this section, on receipt of evidence relating to offences committed outside India (as per Section 208) of BNSS, the copies of the depositions made or exhibits produced will be admissible even in physical form or electronic form.

OLD Section CrPC

195

NEW Section BNSS

215

Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.

215.(1) No Court shall take cognizance—

- (a) (i) of any offence punishable under **sections 206 to 223** (both inclusive but excluding **section 209**) of the **Bharatiya Nyaya Sanhita, 2023**; or
- (ii) of any abetment of, or attempt to commit, such offence; or
- (iii) of any criminal conspiracy to commit such offence, 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 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** 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—

- (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;
- (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.

Comments:-

Under this section, addition has been made that no Court shall take cognizance unless a complaint in writing:

- (a) of the public servant concerned,
- (b) or of some other public servant to whom he is administratively subordinate,
- (c) or some other public servant who is authorised by the concerned public servant so to do.

OLD Section CrPC

197

NEW Section BNSS

218

Prosecution of Judges and public servants.

218.(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—

- (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, 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, 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 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.

Comments:-

1. Under this section, w.r.t. grant of sanction to prosecute any government official or public servant, now a new proviso has been added.
2. That within 120 days from the receipt of request to grant sanction, the Government has to take a decision failing which the sanction would be deemed to have been accorded by the Government.

OLD Section CrPC

200

NEW Section BNSS

223

Examination of complainant

223.(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:

Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:

Provided further that when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses—

- (a) if a public servant acting or purporting to act in the discharge of his official duties or a Court has made the complaint; or
- (b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 212:

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.

- (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—**
 - (a) **such public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged; and**
 - (b) **a report containing facts and circumstances of the incident from the officer superior to such public servant is received.**

Comments:-

1. Sub section (2) of this section is similar as Section 175 (4) (Police Officer's power to investigate cognizable offences), B.N.S.S. which provides protection against false and frivolous cases against public servants discharging their official duties.
2. As per this section, the Magistrate shall now take cognizance of a complaint against public servant arising in the course of discharge of his official duties after:
 - (a) seeking a report from the officer superior to him,
 - (b) considering the assertions submitted by the officer against whom complaint has been made.

Supply to accused of copy of police report and other documents.

230. 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 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.

Comments:-

1. Under this section, in all cases wherein proceedings are initiated on Police report, the Magistrate shall furnish a copy of each of the following within 14 days from the date of appearance or production of accused:—
 - (i) the police report;
 - (ii) the first information report recorded under section 173;
 - (iii) the statements recorded under sub-section (3) of section 180 (Examination of witnesses by police) 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 (Report of police officer on completion of investigation);
 - (iv) the confessions and statements, if any, recorded under section 183;
2. any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (6) of section 193. As per the new proviso added, supply of documents in electronic form shall also be considered as duly furnished.

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

231. 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: —

- (i) the statements recorded under **section 223 or section 225**, of all persons examined by the Magistrate;
- (ii) the statements and confessions, if any, recorded under **section 180 or section 183**;
- (iii) any documents produced before the Magistrate on which the prosecution proposes to rely:

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:

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

Comments:-

The only addition in the existing provision is that supply of documents (as per sub clause i, ii and iii of this section) in electronic form shall be considered as duly furnished.

OLD Section CrPC

219

NEW Section BNSS

242

Offences of same kind within year may be charged together.

242.(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**.

(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:

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 commit such offence, when such an attempt is an offence.

Comments:-

Under this section, earlier as per this section, three offences of the same kind within a year could be charged together. Now, instead of three the number has been changed to not exceeding five.

OLD Section CrPC 227

NEW Section BNSS 250

Discharge

250.(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.

(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.

Comments:-

Under this section, the accused has been given the liberty to apply for discharge within a period of 60 days from the commitment of the case under section 232 (Commitment of case to Court of Session when offence is triable exclusively by it).

OLD Section CrPC 228

NEW Section BNSS 251

Framing of charge.

251.(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.

Comments:-

1. As per the new amendment of this section, the Magistrate is now liable to frame charges against the accused in writing within a period of 60 days from the date of first hearing in charge.
2. Moreover, the accused can either present himself in person or through audio-video electronic means also.

OLD Section CrPC

231

NEW Section BNSs

254

Evidence for Prosecution

254.(1) On the date so fixed, the Judge shall proceed to take all such evidence as may be produced in support of the prosecution:

Provided that evidence of a witness under this sub-section may be recorded by audio-video electronic means.

(2) The deposition of evidence of any public servant may be taken through audio-video electronic means.

Comments:-

This section governs the process of recording of evidence of witness or deposition of evidence of a public servant. As per the new addition, now the evidence may be recorded through audio-video electronic means also.

OLD Section CrPC 239 NEW Section BNSS 262

When accused shall be discharged

262.(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.

Comments:-

Under this section, the accused has been given the liberty to apply for discharge from the case within a period of 60 days from the date of supply of documents to him under section 230 i.e. (Supply to accused of copy of police report and other documents).

OLD Section CrPC

240

NEW Section BNSS

263

Framing of charge.

263.(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 **within a period of sixty days from the date of first hearing on charge.**

Comments:-

This section dictates the framing of charge against an accused in a Magistrate Court. Now, a time limit of 60 days from the date of first hearing on charge has been fixed for Magistrate to frame charges against the accused.

Evidence for prosecution.

265.(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:

Provided that the Magistrate shall supply in advance to the accused, the statement of witnesses recorded during investigation by the police.

(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.

(3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution:

Provided that the Magistrate may 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:

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.

Comments:-

Under this section, the testimony of witness can be taken by audio-video electronic means.

OLD Section CrPC

246

NEW Section BNSS

269

Procedure where accused is not discharged.

269.(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.

Comments:-

The new addition in this section allows the Magistrate to close the prosecution evidence with reasons in writing, in case the attendance of prosecution witness cannot be ensured for cross-examination.

OLD Section CrPC

249

NEW Section BNSS

272

Absence of complainant

272. 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 hereinbefore contained, at any time before the charge has been framed, discharge the accused.

Comments:-

Under this section, if any offence which may be lawfully compounded or is not a cognizable offence, in such cases if complainant is absent, then the magistrate may after giving thirty days' time to complainant to be present, can discharge the accused even before the charge has been framed.

OLD Section CrPC 251

NEW Section BNSS 274

Substance of accusation to be stated.

274. 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:

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.

Comments:-

Under this section, the Magistrate has been empowered to release the accused with same effectiveness as discharge, in case he finds the accusations groundless.

OLD Section CrPC 294

NEW Section BNSS 330

No formal proof of certain documents.

330.(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:**

Provided that the Court may, in its discretion, relax the time limit with reasons to be recorded in writing:

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.

- (2) The list of documents shall be in such form as the State Government may, by rules, provide.
- (3) Where the genuineness of any document is not disputed, such document may be read in evidence in any inquiry, trial or other proceeding under this Sanhita without proof of the signature of the person by whom it purports to be signed:

Provided that the Court may, in its discretion, require such signature to be proved.

Comments:-

1. Under this section, particulars of the document filed before Court shall be included in a list and concerned witness or accused shall be caused upon to admit or deny the authenticity within 30 days after such document is supplied.
2. It has also been added that no expert shall be called upon to appear before the Court unless there is a question raised on the sanctity of the report of expert.

OLD Section CrPC

–

NEW Section BNSS

336 (Fresh Addition)

Evidence of public servants, experts, police officers in certain cases.

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—

- (i) such public servant, expert or officer is either transferred, retired, or died; or
- (ii) such public servant, expert or officer cannot be found or is incapable of giving deposition; or
- (iii) securing presence of such public servant, expert or officer is likely to cause delay in holding the inquiry, trial or other proceeding, 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:

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:

Provided further that the deposition of such successor public servant, expert or officer may be allowed through audio-video electronic means.

Comments:-

1. Under this section, where a public servant, medical officer, scientific expert is required for deposition in respect of any report prepared by him then if above mentioned persons are not available due to reasons:

- (a) either he has been transferred, retired, or has died; or
 - (b) such public servant, expert or officer cannot be found or is incapable of giving deposition; or
 - (c) securing presence of such public servant, expert or officer is likely to cause delay in holding the inquiry, trial or other proceeding,
2. 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.

OLD Section CrPC 311 A NEW Section BNSS 349

Power of Magistrate to order person to give specimen signatures or handwriting, etc.

349. 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:

Provided that no order shall be made under this section unless the person has at sometime been arrested in connection with such investigation or proceeding:

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.

Comments:-

This section provides the addition of new measurements like fingerprints and voice samples in the existing CrPC provision. Further, a Magistrate for the purposes of any investigation or proceeding may make an order to that effect without the person being arrested.

OLD Section CrPC 317 NEW Section BNSS 355

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

355.(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.

Comments:-

Under this section, personal attendance of the accused would also mean attendance through audio-video electronic means.

OLD Section CrPC – NEW Section BNSS 356 (Fresh Addition)

Inquiry, trial or judgment in absentia of proclaimed offender.

356. (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 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.

Comments:-

Under this section, when a Proclaimed Offender is absconding to evade trial, 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.

OLD Section CrPC

451

NEW Section BNSS

497

Order for custody and disposal of property pending trial in certain cases.

497.(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 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.

Comments:-

Under this section, now the words "or the Magistrate empowered to take cognizance or commit the case for trial" have been added.

OLD Section CrPC

468

NEW Section BNSS

514

Bar to taking cognizance after lapse of period of limitation

514.(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.
- (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.

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.

Comments:-

Under this section, it has been clarified that for computing the period of limitation, the relevant date shall be:

- (a) the date of filing complaint under section 223,
- (b) or the date of recording of information under section 173.

OLD Section CrPC – NEW Section BNSS 530 (Fresh Addition)

Trial and proceedings to be held in electronic mode.

530. All trials, inquires and proceedings under this Sanhita, including—

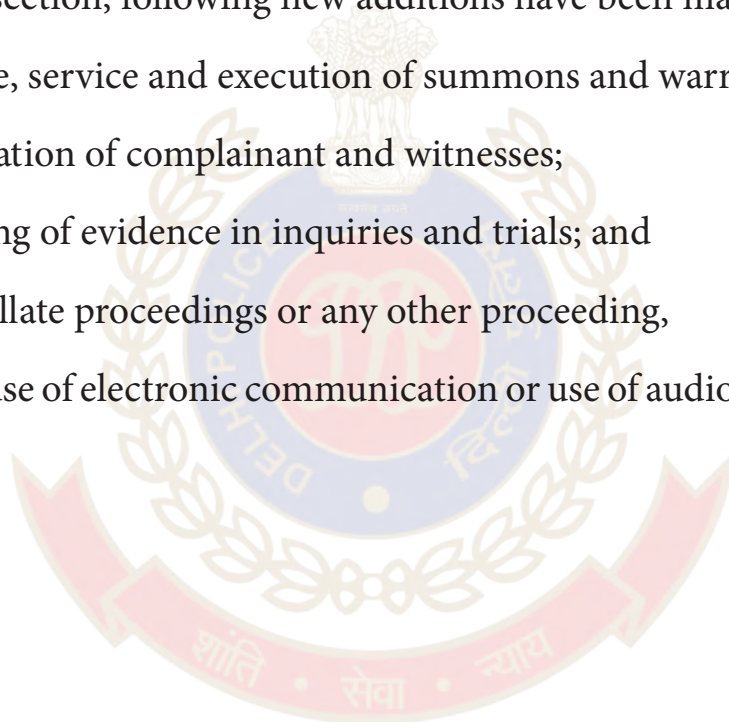
- (i) issuance, service and execution of summons and warrant;
- (ii) examination of complainant and witnesses;
- (iii) recording of evidence in inquiries and trials; and
- (iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.

Comments:-

1. Under this section, following new additions have been made:

- (i) issuance, service and execution of summons and warrant;
- (ii) examination of complainant and witnesses;
- (iii) recording of evidence in inquiries and trials; and
- (iv) all appellate proceedings or any other proceeding,

may be held by use of electronic communication or use of audio-video electronic means.





Section D

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
1	Short title, extent and commencement	1	Short title, extent and commencement
2	Definitions	2	Definitions
3	Construction of references	3	Construction of references
4	Trial of offences under the Indian Penal Code and other laws	4	Trial of offences under Bhartiya Nyaya Sanhita 2023 and other laws
5	Saving	5	Saving
6	Classes of Criminal Courts	6	Classes of Criminal Courts.
7	Territorial divisions	7	Territorial divisions
8	Metropolitan areas	—	Deleted
9	Court of Session	8	Court of Session
10	Subordination of Assistant Sessions Judges	—	Deleted
11	Courts of Judicial Magistrates	9	Courts of Judicial Magistrates
12	Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc.	10	Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc.
13	Special Judicial Magistrates	11	Special Judicial Magistrates
14	Local jurisdiction of Judicial Magistrates	12	Local jurisdiction of Judicial Magistrates
15	Subordination of Judicial Magistrates	13	Subordination of Judicial Magistrates
16	Courts of Metropolitan Magistrates	—	Deleted
17	Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate	—	Deleted
18	Special Metropolitan Magistrates	—	Deleted

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
19	Subordination of Metropolitan Magistrates	—	Deleted
20	Executive Magistrates	14	Executive Magistrates
21	Special Executive Magistrates	15	Special Executive Magistrates
22	Local jurisdiction of Executive Magistrates	16	Local Jurisdiction of Executive Magistrates
23	Subordination of Executive Magistrates	17	Subordination of Executive Magistrates
24	Public Prosecutors	18	Public Prosecutors
25	Assistant Public Prosecutors	19	Assistant Public Prosecutors
25A	Directorate of Prosecution	20	Directorate of Prosecution
26	Courts by which offences are triable	21	Courts by which offences are triable
27	Jurisdiction in the case of juveniles	—	Deleted
28	Sentences which High Courts and Sessions Judges may pass	22	Sentences which High Courts and Sessions Judges may pass
29	Sentences which Magistrates may pass	23	Sentences which Magistrates may pass
30	Sentence of imprisonment in default of fine	24	Sentence of imprisonment in default of fine
31	Sentence in cases of conviction of several offences at one trial	25	Sentence in cases of conviction of several offences at one trial
32	Mode of conferring powers	26	Mode of conferring powers
33	Powers of officers appointed	27	Powers of officers appointed
34	Withdrawal of powers	28	Withdrawal of powers
35	Powers of Judges and Magistrates exercisable by their successors-in-office	29	Powers of Judges and Magistrates exercisable by their successors-in-office

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
36	Powers of superior officers of police	30	Powers of superior officers of police
37	Public when to assist Magistrates and police	31	Public when to assist Magistrates and police
38	Aid to person, other than police officer, executing warrant	32	Aid to person, other than police officer, executing warrant
39	Public to give information of certain offences	33	Public to give information of certain offences
40	Duty of officers employed in connection with the affairs of a village to make certain report	34	Duty of officers employed in connection with the affairs of a village to make certain report
41	When police may arrest without warrant	35	When police may arrest without warrant
41A	Notice of appearance before police officer	—	Included in Section 35
41B	Procedure of arrest and duties of officer making arrest	36	Procedure of arrest and duties of officer making arrest
41C	Control room at districts	37	Designated Police Officer
41D	Right of arrested person to meet an advocate of his choice during interrogation	38	Right of arrested person to meet an advocate of his choice during interrogation
42	Arrest on refusal to give name and residence	39	Arrest on refusal to give name and residence
43	Arrest by private person and procedure on such arrest	40	Arrest by private person and procedure on such arrest
44	Arrest by Magistrate	41	Arrest by Magistrate
45	Protection of members of the Armed Forces from arrest	42	Protection of members of the Armed Forces from arrest
46	Arrest how made	43	Arrest how made

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
47	Search of place entered by person sought to be arrested	44	Search of place entered by person sought to be arrested
48	Pursuit of offenders into other jurisdictions	45	Pursuit of offenders into other jurisdictions
49	No unnecessary restraint	46	No unnecessary restraint
50	Person arrested to be informed of grounds of arrest and of right to bail	47	Person arrested to be informed of grounds of arrest and of right to bail
50A	Obligation of person making arrest to inform about the arrest, etc., to a nominated person	48	Obligation of person making arrest to inform about the arrest, etc., to relative or friend
51	Search of arrested person	49	Search of arrested person
52	Power to seize offensive weapons	50	Power to seize offensive weapons
53	Examination of accused by medical practitioner at the request of police officer	51	Examination of accused by medical practitioner at the request of police officer
53A	Examination of person accused of rape by medical practitioner	52	Examination of person accused of rape by medical practitioner
54	Examination of arrested person by medical officer	53	Examination of arrested person by medical officer
54A	Identification of person arrested	54	Identification of person arrested
55	Procedure when police officer deposes subordinate to arrest without warrant	55	Procedure when police officer deposes subordinate to arrest without warrant
55A	Health and safety of arrested person	56	Health and safety of arrested person
56	Person arrested to be taken before Magistrate or officer in charge of police station	57	Person arrested to be taken before Magistrate or officer in charge of police station

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
57	Person arrested not to be detained more than twenty-four hours	58	Person arrested not to be detained more than twenty-four hours
58	Police to report apprehensions	59	Police to report apprehensions
59	Discharge of person apprehended	60	Discharge of person apprehended
60	Power, on escape, to pursue and retake	61	Power, on escape, to pursue and retake
60A	Arrest to be made strictly according to the Code	62	Arrest to be made strictly according to the Sanhita
61	Form of summons	63	Form of summons
62	Summons how served	64	Summons how served
63	Service of summons on corporate bodies and societies	65	Service of summons on corporate bodies, firms, and societies
64	Service when persons summoned cannot be found	66	Service when persons summoned cannot be found
65	Procedure when service cannot be effected as before provided	67	Procedure when service cannot be effected as before provided
66	Service on Government servant	68	Service on Government servant
67	Service of summons outside local limits	69	Service of summons outside local limits
68	Proof of service in such cases and when serving officer not present	70	Proof of service in such cases and when serving officer not present
69	Service of summons on witness by post	71	Service of summons on witness
70	Form of warrant of arrest and duration	72	Form of warrant of arrest and duration

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
71	Power to direct security to be taken	73	Power to direct security to be taken
72	Warrants to whom directed	74	Warrants to whom directed
73	Warrant may be directed to any person	75	Warrant may be directed to any person
74	Warrant directed to police officer	76	Warrant directed to police officer
75	Notification of substance of warrant	77	Notification of substance of warrant
76	Person arrested to be brought before Court without delay	78	Person arrested to be brought before Court without delay
77	Where warrant may be executed	79	Where warrant may be executed
78	Warrant forwarded for execution outside jurisdiction	80	Warrant forwarded for execution outside jurisdiction
79	Warrant directed to police officer for execution outside jurisdiction	81	Warrant directed to police officer for execution outside jurisdiction
80	Procedure on arrest of person against whom warrant issued	82	Procedure on arrest of person against whom warrant issued
81	Procedure by Magistrate before whom such person arrested is brought	83	Procedure by Magistrate before whom such person arrested is brought
82	Proclamation for person absconding	84	Proclamation for person absconding
83	Attachment of property of person absconding	85	Attachment of property of person absconding
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Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
84	Claims and objections to attachment	87	Claims and objections to attachment
85	Release, sale and restoration of attached property	88	Release, sale and restoration of attached property
86	Appeal from order rejecting application for restoration of attached property	89	Appeal from order rejecting application for restoration of attached property
87	Issue of warrant in lieu of, or in addition to, summons	90	Issue of warrant in lieu of, or in addition to, summons
88	Power to take bond for appearance	91	Power to take bond or bail bond for appearance
89	Arrest on breach of bond for appearance	92	Arrest on breach of bond for appearance
90	Provisions of this Chapter generally applicable to summonses and warrants of arrest	93	Provisions of this Chapter generally applicable to summonses and warrants of arrest
91	Summons to produce document or other thing	94	Summons to produce document or other thing
92	Procedure as to letters	95	Procedure as to letters
93	When search warrant may be issued	96	When search-warrant may be issued
94	Search of place suspected to contain stolen property, forged documents, etc.	97	Search of place suspected to contain stolen property, forged documents, etc.
95	Power to declare certain publications forfeited and to issue search warrants for the same	98	Power to declare certain publications forfeited and to issue search-warrants for the same
96	Application to High Court to set aside declaration of forfeiture	99	Application to High Court to set aside declaration of forfeiture
97	Search for persons wrongfully confined	100	Search for persons wrongfully confined

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
98	Power to compel restoration of abducted females	101	Power to compel restoration of abducted females
99	Direction, etc., of search warrants	102	Direction, etc., of search-warrants
100	Persons in charge of closed place to allow search	103	Persons in charge of closed place to allow search
101	Disposal of things found in search beyond jurisdiction	104	Disposal of things found in search beyond jurisdiction
-----	-----	105	Recording of search and seizure through audio-video electronic means
102	Power of Police Officer to seize certain property	106	Power of Police Officer to seize certain property
-----	-----	107	Attachment, forfeiture or restoration of property
103	Magistrate may direct search in his presence	108	Magistrate may direct search in his presence
104	Power to impound document, etc., produced	109	Power to impound document, etc., produced
105	Reciprocal arrangements regarding processes	110	Reciprocal arrangements regarding processes
105A	Definitions	111	Definitions
-----	-----	112	Letter of request to competent authority for investigation in a country or place outside India
-----	-----	113	Letter of request from a country or place outside India to a Court or an authority for investigation in India.
105B	Assistance in securing transfer of persons	114	Assistance in securing transfer of persons

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
105C	Assistance in relation to orders of attachment or forfeiture of property	115	Assistance in relation to orders of attachment or forfeiture of property
105D	Identifying unlawfully acquired property	116	Identifying unlawfully acquired property.
105E	Seizure or attachment of property	117	Seizure or attachment of property
105F	Management of properties seized or forfeited under this Chapter	118	Management of properties seized or forfeited under this Chapter
105G	Notice of forfeiture of property	119	Notice of forfeiture of property
105H	Forfeiture of property in certain cases	120	Forfeiture of property in certain cases
105-I	Fine in lieu of forfeiture	121	Fine in lieu of forfeiture
105J	Certain transfers to be null and void	122	Certain transfers to be null and void
105K	Procedure in respect of letter of request	123	Procedure in respect of letter of request
105L	Application of this Chapter	124	Application of this Chapter
106	Security for keeping the peace on conviction	125	Security for keeping peace on conviction
107	Security for keeping the peace in other cases	126	Security for keeping peace in other cases
108	Security for good behaviour from persons disseminating seditious matters	127	Security for good behaviour from persons disseminating seditious matters
109	Security for good behaviour from suspected persons	128	Security for good behaviour from suspected persons
110	Security for good behaviour from habitual offenders	129	Security for good behaviour from habitual offenders
111	Order to be made	130	Order to be made

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
112	Procedure in respect of person present in Court	131	Procedure in respect of person present in Court
113	Summons or warrant in case of person not so present	132	Summons or warrant in case of person not so present
114	Copy of order to accompany summons or warrant	133	Copy of order to accompany summons or warrant
115	Power to dispense with personal attendance	134	Power to dispense with personal attendance
116	Inquiry as to truth of information	135	Inquiry as to truth of information
117	Order to give security	136	Order to give security
118	Discharge of person informed against	137	Discharge of person informed against
119	Commencement of period for which security is required	138	Commencement of period for which security is required
120	Contents of bond	139	Contents of bond
121	Power to reject sureties	140	Power to reject sureties
122	Imprisonment in default of security	141	Imprisonment in default of security
123	Power to release persons imprisoned for failing to give security	142	Power to release persons imprisoned for failing to give security
124	Security for unexpired period of bond	143	Security for unexpired period of bond
125	Order for maintenance of wives, children and parents	144	Order for maintenance of wives, children and parents
126	Procedure	145	Procedure
127	Alteration in allowance	146	Alteration in allowance
128	Enforcement of order of maintenance	147	Enforcement of order of maintenance
129	Dispersion of assembly by use of civil force	148	Dispersion of assembly by use of civil force

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
130	Use of armed forces to disperse assembly	149	Use of armed forces to disperse assembly
131	Power of certain armed force officers to disperse assembly	150	Power of certain armed force officers to disperse assembly
132	Protection against prosecution for acts done under preceding sections	151	Protection against prosecution for acts done under sections 148, 149 and 150
133	Conditional order for removal of nuisance	152	Conditional order for removal of nuisance
134	Service or notification of order	153	Service or notification of order
135	Person to whom order is addressed to obey or show cause	154	Person to whom order is addressed to obey or show cause
136	Consequences of his failing to do so	155	Penalty for failure to comply with section 154
137	Procedure where existence of public right is denied	156	Procedure where existence of public right is denied
138	Procedure where he appears to show cause	157	Procedure where person against whom order is made under section 152 appears to show cause.
139	Power of Magistrate to direct local investigation and examination of an expert	158	Power of Magistrate to direct local investigation and examination of an expert
140	Power of Magistrate to furnish written instructions, etc.	159	Power of Magistrate to furnish written instructions, etc.
141	Procedure on order being made absolute and consequences of disobedience	160	Procedure on order being made absolute and consequences of disobedience
142	Injunction pending inquiry	161	Injunction pending inquiry

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
143	Magistrate may prohibit repetition or continuance of public nuisance	162	Magistrate may prohibit repetition or continuance of public nuisance
144	Power to issue order in urgent cases of nuisance or apprehended danger	163	Power to issue order in urgent cases of nuisance or apprehended danger
144A	Power to prohibit carrying arms in procession or mass drill or mass training with arms	—	Deleted
145	Procedure where dispute concerning land or water is likely to cause breach of peace	164	Procedure where dispute concerning land or water is likely to cause breach of peace
146	Power to attach subject of dispute and to appoint receiver	165	Power to attach subject of dispute and to appoint receiver
147	Dispute concerning right of use of land or water	166	Dispute concerning right of use of land or water
148	Local inquiry	167	Local inquiry
149	Police to prevent cognizable offences	168	Police to prevent cognizable offences
150	Information of design to commit cognizable offences	169	Information of design to commit cognizable offences
151	Arrest to prevent the commission of cognizable offences	170	Arrest to prevent the commission of cognizable offences
152	Prevention of injury to public property	171	Prevention of injury to public property
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153	Inspection of weights and measures	—	Deleted

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
154	Information in cognizable cases	173	Information in cognizable cases
155	Information as to non-cognizable cases and investigation of such cases	174	Information as to non-cognizable cases and investigation of such cases
156	Police officer's power to investigate cognizable cases	175	Police officer's power to investigate cognizable case
157	Procedure for investigation	176	Procedure for investigation
158	Report how submitted	177	Report how submitted
159	Power to hold investigation or preliminary inquiry	178	Power to hold investigation or preliminary inquiry
160	Police officer's power to require attendance of witnesses	179	Police officer's power to require attendance of witnesses
161	Examination of witnesses by police	180	Examination of witnesses by police
162	Statements to police not to be signed – Use of statements in evidence	181	Statements to police and use thereof
163	No inducement to be offered	182	No inducement to be offered
164	Recording of confessions and statements	183	Recording of confessions and statements
164A	Medical examination of the victim of rape	184	Medical examination of the victim of rape
165	Search by police officer	185	Search by police officer
166	When officer in charge of police station may require another to issue search warrant	186	When officer in charge of police station may require another to issue search-warrant
166A	Letter of request to competent authority for investigation in a country or place outside India	—	Deleted

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
166B	Letter of request from a country or place outside India to a Court or an authority for investigation in India	—	Deleted
167	Procedure when investigation cannot be completed in twenty- four hours	187	Procedure when investigation cannot be completed in twenty- four hours
168	Report of investigation by subordinate police officer	188	Report of investigation by subordinate police officer
169	Release of accused when evidence deficient	189	Release of accused when evidence deficient
170	Cases to be sent to Magistrate when evidence is sufficient	190	Cases to be sent to Magistrate, when evidence is sufficient
171	Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint	191	Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint
172	Diary of proceedings in investigation	192	Diary of proceedings in investigation
173	Report of police officer on completion of investigation	193	Report of police officer on completion of investigation
174	Police to enquire and report on suicide, etc.	194	Police to enquire and report on suicide, etc.
175	Power to summon persons	195	Power to summon persons
176	Inquiry by Magistrate into cause of death	196	Inquiry by Magistrate into cause of death
177	Ordinary place of inquiry and trial	197	Ordinary place of inquiry and trial
178	Place of inquiry or trial	198	Place of inquiry or trial

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
179	Offence triable where act is done or consequence ensues	199	Offence triable where act is done or consequence ensues
180	Place of trial where act is an offence by reason of relation to other offence	200	Place of trial where act is an offence by reason of relation to other offence
181	Place of trial in case of certain offences	201	Place of trial in case of certain offences
182	Offences committed by letters, etc.	202	Offences committed by means of electronic communications, letters, etc.
183	Offence committed on journey or voyage	203	Offence committed on journey or voyage
184	Place of trial for offences triable together	204	Place of trial for offences triable together
185	Power to order cases to be tried in different sessions divisions	205	Power to order cases to be tried in different sessions divisions
186	High Court to decide, in case of doubt, district where inquiry or trial shall take place	206	High Court to decide, in case of doubt, district where inquiry or trial shall take place
187	Power to issue summons or warrant for offence committed beyond local jurisdiction	207	Power to issue summons or warrant for offence committed beyond local jurisdiction
188	Offence committed outside India	208	Offence committed outside India
189	Receipt of evidence relating to offences committed outside India	209	Receipt of evidence relating to offences committed outside India
190	Cognizance of offences by Magistrates	210	Cognizance of offences by Magistrates
191	Transfer on application of the accused	211	Transfer on application of the accused

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
192	Making over of cases to Magistrates	212	Making over of cases to Magistrates
193	Cognizance of offences by Courts of Session	213	Cognizance of offences by Courts of Session
194	Additional and Assistant Sessions Judges to try cases made over to them	214	Additional Sessions Judges to try cases made over to them
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
195A	Procedure for witnesses in case of threatening, etc.	216	Procedure for witnesses in case of threatening, etc.
196	Prosecution for offences against the State and for criminal conspiracy to commit such offence	217	Prosecution for offences against the State and for criminal conspiracy to commit such offence
197	Prosecution of Judges and public servants	218	Prosecution of Judges and public servants
198	Prosecution for offences against marriage	219	Prosecution for offences against marriage
198A	Prosecution of offences under section 498A of the Indian Penal Code	220	Prosecution of offences under section 85 of Bharatiya Nyaya Sanhita, 2023.
198B	Cognizance of offence	221	Cognizance of offence
199	Prosecution for defamation	222	Prosecution for defamation
200	Examination of complainant	223	Examination of complainant
201	Procedure by Magistrate not competent to take cognizance of the case	224	Procedure by Magistrate not competent to take cognizance of the case

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
202	Postponement of issue of process	225	Postponement of issue of process
203	Dismissal of complaint	226	Dismissal of complaint
204	Issue of process	227	Issue of process
205	Magistrate may dispense with personal attendance of accused	228	Magistrate may dispense with personal attendance of accused
206	Special summons in cases of petty offence	229	Special summons in cases of petty offence
207	Supply to the accused of copy of police report and other documents	230	Supply to accused of copy of police report and other documents
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
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
210	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence	233	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence
211	Contents of charge	234	Contents of charge
212	Particulars as to time, place and person	235	Particulars as to time, place and person
213	When manner of committing offence must be stated	236	When manner of committing offence must be stated
214	Words in charge taken in sense of law under which offence is punishable	237	Words in charge taken in sense of law under which offence is punishable

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
215	Effect of errors	238	Effect of errors
216	Court may alter charge	239	Court may alter charge
217	Recall of witnesses when charge altered	240	Recall of witnesses when charge altered
218	Separate charges for distinct offences	241	Separate charges for distinct offences
219	Three offences of same kind within year may be charged together	242	Offences of same kind within year may be charged together
220	Trial for more than one offence	243	Trial for more than one offence
221	Where it is doubtful what offence has been committed	244	Where it is doubtful what offence has been committed
222	When offence proved included in offence charged	245	When offence proved included in offence charged
223	What persons may be charged jointly	246	What persons may be charged jointly
224	Withdrawal of remaining charges on conviction on one of several charges	247	Withdrawal of remaining charges on conviction on one of several charges
225	Trial to be conducted by Public Prosecutor	248	Trial to be conducted by Public Prosecutor
226	Opening case for prosecution	249	Opening case for prosecution
227	Discharge	250	Discharge
228	Framing of charge	251	Framing of charge
229	Conviction on plea of guilty	252	Conviction on plea of guilty
230	Date for prosecution evidence	253	Date for prosecution evidence
231	Evidence for prosecution	254	Evidence for prosecution
232	Acquittal	255	Acquittal
233	Entering upon defence	256	Entering upon defence

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
234	Arguments	257	Arguments
235	Judgment of acquittal or conviction	258	Judgment of acquittal or conviction
236	Previous conviction	259	Previous conviction
237	Procedure in cases instituted under section 199(2)	260	Procedure in cases instituted under sub-section (2) of section 222.
238	Compliance with section 207	261	Compliance with section 230
239	When accused shall be discharged	262	When accused shall be discharged
240	Framing of charge	263	Framing of charge
241	Conviction on plea of guilty	264	Conviction on plea of guilty
242	Evidence for prosecution	265	Evidence for prosecution
243	Evidence for defence	266	Evidence for defence
244	Evidence for prosecution	267	Evidence for prosecution
245	When accused shall be discharged	268	When accused shall be discharged
246	Procedure where accused is not discharged	269	Procedure where accused is not discharged
247	Evidence for defence	270	Evidence for defence
248	Acquittal or conviction	271	Acquittal or conviction
249	Absence of complainant	272	Absence of complainant
250	Compensation for accusation without reasonable cause	273	Compensation for accusation without reasonable cause
251	Substance of accusation to be stated	274	Substance of accusation to be stated
252	Conviction on plea of guilty	275	Conviction on plea of guilty
253	Conviction on plea of guilty in absence of accused in petty cases	276	Conviction on plea of guilty in absence of accused in petty cases

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
254	Procedure when not convicted	277	Procedure when not convicted
255	Acquittal or conviction	278	Acquittal or conviction
256	Non-appearance or death of complainant	279	Non-appearance or death of complainant
257	Withdrawal of complaint	280	Withdrawal of complaint
258	Power to stop proceedings in certain cases	281	Power to stop proceedings in certain cases
259	Power of Court to convert summons-cases into warrant- cases	282	Power of Court to convert summons-cases into warrant- cases
260	Power to try summarily	283	Power to try summarily
261	Summary trial by Magistrate of the second class	284	Summary trial by Magistrate of the second class
262	Procedure for summary trials	285	Procedure for summary trials
263	Record in summary trials	286	Record in summary trials
264	Judgment in cases tried summarily	287	Judgment in cases tried summarily
265	Language of record and judgment	288	Language of record and judgment
265A	Application of the Chapter	289	Application of Chapter
265B	Application for plea bargaining	290	Application for plea bargaining
265C	Guidelines for mutually satisfactory disposition	291	Guidelines for mutually satisfactory disposition
265D	Report of the mutually satisfactory disposition to be submitted before the Court	292	Report of mutually satisfactory disposition to be submitted before the Court
265E	Disposal of the case	293	Disposal of case
265F	Judgment of the Court	294	Judgment of Court
265G	Finality of the judgment	295	Finality of judgment

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
265H	Power of the Court in plea bargaining	296	Power of Court in plea bargaining
265-I	Period of detention undergone by the accused to be set off against the sentence of imprisonment	297	Period of detention undergone by accused to be set off against sentence of imprisonment
265J	Savings	298	Savings
265K	Statements of accused not to be used	299	Statements of accused not to be used
265L	Non-application of the Chapter	300	Non-application of Chapter
266	Definitions	301	Definitions
267	Power to require attendance of prisoners	302	Power to require attendance of prisoners
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
269	Officer-in-charge of prison to abstain from carrying out order in certain contingencies	304	Officer in charge of prison to abstain from carrying out order in certain contingencies
270	Prisoner to be brought to Court in custody	305	Prisoner to be brought to Court in custody
271	Power to issue commission for examination of witness in prison	306	Power to issue commission for examination of witness in prison
272	Language of Courts	307	Language of Courts
273	Evidence to be taken in presence of accused	308	Evidence to be taken in presence of accused
274	Record in summons-cases and inquiries	309	Record in summons-cases and inquiries
275	Record in warrant-cases	310	Record in warrant-cases

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
276	Record in trial before Court of Session	311	Record in trial before Court of Session
277	Language of record of evidence	312	Language of record of evidence
278	Procedure in regard to such evidence when completed	313	Procedure in regard to such evidence when completed
279	Interpretation of evidence to accused or his pleader	314	Interpretation of evidence to accused or his advocate
280	Remarks respecting demeanour of witness	315	Remarks respecting demeanour of witness
281	Record of examination of accused	316	Record of examination of accused
282	Interpreter to be bound to interpret truthfully	317	Interpreter to be bound to interpret truthfully
283	Record in High Court	318	Record in High Court
284	When attendance of witness may be dispensed with and commission issued	319	When attendance of witness may be dispensed with and commission issued
285	Commission to whom to be issued	320	Commission to whom to be issued
286	Execution of commissions	321	Execution of commissions
287	Parties may examine witnesses	322	Parties may examine witnesses
288	Return of commission	323	Return of commission
289	Adjournment of proceeding	324	Adjournment of proceeding
290	Execution of foreign commissions	325	Execution of foreign commissions
291	Deposition of medical witness	326	Deposition of medical witness
291A	Identification report of Magistrate	327	Identification report of Magistrate
292	Evidence of officers of the Mint	328	Evidence of officers of Mint

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
293	Reports of certain Government scientific experts	329	Reports of certain Government scientific experts
294	No formal proof of certain documents	330	No formal proof of certain documents
295	Affidavit in proof of conduct of public servants	331	Affidavit in proof of conduct of public servants
296	Evidence of formal character on affidavit	332	Evidence of formal character on affidavit
297	Authorities before whom affidavits may be sworn	333	Authorities before whom affidavits may be sworn
298	Previous conviction or acquittal how proved	334	Previous conviction or acquittal how proved
299	Record of evidence in absence of accused	335	Record of evidence in absence of accused
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300	Person once convicted or acquitted not to be tried for same offence	337	Person once convicted or acquitted not to be tried for same offence
301	Appearance by Public Prosecutors	338	Appearance by Public Prosecutors
302	Permission to conduct prosecution	339	Permission to conduct prosecution
303	Right of person against whom proceedings are instituted to be defended	340	Right of person against whom proceedings are instituted to be defended
304	Legal aid to accused at State expense in certain cases	341	Legal aid to accused at State expense in certain cases
305	Procedure when corporation or registered society is an accused	342	Procedure when corporation or registered society is an accused

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
306	Tender of pardon to accomplice	343	Tender of pardon to accomplice
307	Power to direct tender of pardon	344	Power to direct tender of pardon
308	Trial of person not complying with conditions of pardon	345	Trial of person not complying with conditions of pardon
309	Power to postpone or adjourn proceedings	346	Power to postpone or adjourn proceedings
310	Local inspection	347	Local inspection
311	Power to summon material witness, or examine person present	348	Power to summon material witness, or examine person present
311 A	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, etc.
312	Expenses of complainants and witnesses	350	Expenses of complainants and witnesses
313	Power to examine the accused	351	Power to examine accused
314	Oral arguments and memorandum of arguments	352	Oral arguments and memorandum of arguments
315	Accused person to be competent witness	353	Accused person to be competent witness
316	No influence to be used to induce disclosure	354	No influence to be used to induce disclosure
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
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Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
318	Procedure where accused does not understand proceedings	357	Procedure where accused does not understand proceedings
319	Power to proceed against other persons appearing to be guilty of offence	358	Power to proceed against other persons appearing to be guilty of offence
320	Compounding of offences	359	Compounding of offences
321	Withdrawal from prosecution	360	Withdrawal from prosecution
322	Procedure in cases which Magistrate cannot dispose of	361	Procedure in cases which Magistrate cannot dispose of
323	Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed	362	Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed
324	Trial of persons previously convicted of offences against coinage, stamp-law or property	363	Trial of persons previously convicted of offences against coinage, stamp-law or property
325	Procedure when Magistrate cannot pass sentence sufficiently severe	364	Procedure when Magistrate cannot pass sentence sufficiently severe
326	Conviction or commitment on evidence partly recorded by one Magistrate and partly by another	365	Conviction or commitment on evidence partly recorded by one Magistrate and partly by another
327	Court to be open	366	Court to be open
328	Procedure in case of accused being lunatic	367	Procedure in case of accused being person of unsound mind
329	Procedure in case of person of unsound mind tried before Court	368	Procedure in case of person of unsound mind tried before Court

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
330	Release of person of unsound mind pending investigation or trial	369	Release of person of unsound mind pending investigation or trial
331	Resumption of inquiry or trial	370	Resumption of inquiry or trial
332	Procedure on accused appearing before Magistrate or Court	371	Procedure on accused appearing before Magistrate or Court
333	When accused appears to have been of sound mind	372	When accused appears to have been of sound mind
334	Judgment of acquittal on ground of unsoundness of mind	373	Judgment of acquittal on ground of unsoundness of mind
335	Person acquitted on such ground to be detained in safe custody	374	Person acquitted on ground of unsoundness of mind to be detained in safe custody
336	Power of State Government to empower officer-in-charge to discharge	375	Power of State Government to empower officer-in-charge to discharge
337	Procedure where lunatic prisoner is reported capable of making his defence	376	Procedure where prisoner of unsound mind is reported capable of making his defence
338	Procedure where lunatic detained is declared fit to be released	377	Procedure where person of unsound mind detained is declared fit to be released
339	Delivery of lunatic to care of relative or friend	378	Delivery of person of unsound mind to care of relative or friend
340	Procedure in cases mentioned in section 195	379	Procedure in cases mentioned in section 215
341	Appeal	380	Appeal
342	Power to order costs	381	Power to order costs

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
343	Procedure of Magistrate taking cognizance	382	Procedure of Magistrate taking cognizance
344	Summary procedure for trial for giving false evidence	383	Summary procedure for trial for giving false evidence
345	Procedure in certain cases of contempt	384	Procedure in certain cases of contempt
346	Procedure where Court considers that case should not be dealt with under section 345	385	Procedure where Court considers that case should not be dealt with under section 384
347	When Registrar or Sub-Registrar to be deemed a Civil Court	386	When Registrar or Sub-Registrar to be deemed a Civil Court
348	Discharge of offender on submission of apology	387	Discharge of offender on submission of apology
349	Imprisonment or committal of person refusing to answer or produce document	388	Imprisonment or committal of person refusing to answer or produce document
350	Summary procedure for punishment for non-attendance by a witness in obedience to summons	389	Summary procedure for punishment for non-attendance by a witness in obedience to summons
351	Appeals from convictions under sections 344, 345, 349 and 350	390	Appeals from convictions under sections 383, 384, 388 and 389
352	Certain Judges and Magistrates not to try certain offences when committed before themselves	391	Certain Judges and Magistrates not to try certain offences when committed before themselves
353	Judgment	392	Judgement
354	Language and contents of judgment	393	Language and contents of judgment
355	Metropolitan Magistrate's judgment	—	Deleted

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
356	Order for notifying address of previously convicted offender	394	Order for notifying address of previously convicted offender
357	Order to pay compensation	395	Order to pay compensation
357A	Victim compensation scheme	396	Victim compensation scheme
357B	Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code	—	Deleted
357C	Treatment of victims	397	Treatment of victims
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358	Compensation to persons groundlessly arrested	399	Compensation to persons groundlessly arrested
359	Order to pay costs in non-cognizable cases	400	Order to pay costs in non-cognizable cases
360	Order to release on probation of good conduct or after admonition	401	Order to release on probation of good conduct or after admonition
361	Special reasons to be recorded in certain cases	402	Special reasons to be recorded in certain cases
362	Court not to alter judgment	403	Court not to alter judgment
363	Copy of judgment to be given to the accused and other persons	404	Copy of judgment to be given to accused and other persons
364	Judgment when to be translated	405	Judgment when to be translated
365	Court of Session to send copy of finding and sentence to District Magistrate	406	Court of Session to send copy of finding and sentence to District Magistrate
366	Sentence of death to be submitted by Court of Session for confirmation	407	Sentence of death to be submitted by Court of Session for confirmation

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
367	Power to direct further inquiry to be made or additional evidence to be taken	408	Power to direct further inquiry to be made or additional evidence to be taken
368	Power of High Court to confirm sentence or annul conviction	409	Power of High Court to confirm sentence or annul conviction
369	Confirmation or new sentence to be signed by two Judges	410	Confirmation or new sentence to be signed by two Judges
370	Procedure in case of difference of opinion	411	Procedure in case of difference of opinion
371	Procedure in cases submitted to High Court for confirmation	412	Procedure in cases submitted to High Court for confirmation
372	No appeal to lie unless otherwise provided	413	No appeal to lie unless otherwise provided
373	Appeal from orders requiring security or refusal to accept or rejecting surety for keeping peace or good behaviour	414	Appeal from orders requiring security or refusal to accept or rejecting surety for keeping peace or good behaviour
374	Appeals from convictions	415	Appeals from convictions
375	No appeal in certain cases when accused pleads guilty	416	No appeal in certain cases when accused pleads guilty
376	No appeal in petty cases	417	No appeal in petty cases
377	Appeal by the State Government against sentence	418	Appeal by State Government against sentence
378	Appeal in case of acquittal	419	Appeal in case of acquittal
379	Appeal against conviction by High Court in certain cases	420	Appeal against conviction by High Court in certain cases
380	Special right of appeal in certain cases	421	Special right of appeal in certain cases

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
381	Appeal to Court of Session how heard	422	Appeal to Court of Session how heard
382	Petition of appeal	423	Petition of appeal
383	Procedure when appellant in jail	424	Procedure when appellant in jail
384	Summary dismissal of appeal	425	Summary dismissal of appeal
385	Procedure for hearing appeals not dismissed summarily	426	Procedure for hearing appeals not dismissed summarily
386	Powers of the Appellate Court	427	Powers of Appellate Court
387	Judgments of subordinate Appellate Court	428	Judgments of Subordinate Appellate Court
388	Order of High Court on appeal to be certified to lower Court	429	Order of High Court on appeal to be certified to lower Court
389	Suspension of sentence pending the appeal; release of appellant on bail	430	Suspension of sentence pending appeal; release of appellant on bail
390	Arrest of accused in appeal from acquittal	431	Arrest of accused in appeal from acquittal
391	Appellate Court may take further evidence or direct it to be taken	432	Appellate Court may take further evidence or direct it to be taken
392	Procedure where Judges of Court of Appeal are equally divided	433	Procedure where Judges of Court of Appeal are equally divided
393	Finality of judgments and orders on appeal	434	Finality of judgments and orders on appeal
394	Abatement of appeals	435	Abatement of appeals
395	Reference to High Court	436	Reference to High Court

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
396	Disposal of case according to decision of High Court	437	Disposal of case according to decision of High Court
397	Calling for records to exercise powers of revision	438	Calling for records to exercise powers of revision
398	Power to order inquiry	439	Power to order inquiry
399	Sessions Judge's powers of revision	440	Sessions Judge's powers of revision
400	Power of Additional Sessions Judge	441	Power of Additional Sessions Judge
401	High Court's powers of revision	442	High Court's powers of revision
402	Power of High Court to withdraw or transfer revision cases	443	Power of High Court to withdraw or transfer revision cases
403	Option of Court to hear parties	444	Option of Court to hear parties
404	Statement by Metropolitan Magistrate of grounds of his decision to be considered by High Court	—	Deleted
405	High Court's order to be certified to lower Court	445	High Court's order to be certified to lower Court.
406	Power of Supreme Court to transfer cases and appeals	446	Power of Supreme Court to transfer cases and appeals
407	Power of High Court to transfer cases and appeals	447	Power of High Court to transfer cases and appeals
408	Power of Sessions Judge to transfer cases and appeals	448	Power of Sessions Judge to transfer cases and appeals
409	Withdrawal of cases and appeals by Sessions Judges	449	Withdrawal of cases and appeals by Session Judge
410	Withdrawal of cases by Judicial Magistrates	450	Withdrawal of cases by Judicial Magistrate

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
411	Making over or withdrawal of cases by Executive Magistrates	451	Making over or withdrawal of cases by Executive Magistrates
412	Reasons to be recorded	452	Reasons to be recorded
413	Execution of order passed under section 368	453	Execution of order passed under section 409
414	Execution of sentence of death passed by High Court	454	Execution of sentence of death passed by High Court
415	Postponement of execution of sentence of death in case of appeal to Supreme Court	455	Postponement of execution of sentence of death in case of appeal to Supreme Court
416	Postponement of capital sentence on pregnant woman	456	Commutation of sentence of death on pregnant woman
417	Power to appoint place of imprisonment	457	Power to appoint place of imprisonment
418	Execution of sentence of imprisonment	458	Execution of sentence of imprisonment
419	Direction of warrant for execution	459	Direction of warrant for execution
420	Warrant with whom to be lodged	460	Warrant with whom to be lodged
421	Warrant for levy of fine	461	Warrant for levy of fine
422	Effect of such warrant	462	Effect of such warrant
423	Warrant for levy of fine issued by a Court in any territory to which this Code does not extend	463	Warrant for levy of fine issued by a Court in any territory to which this Sanhita does not extend
424	Suspension of execution of sentence of imprisonment	464	Suspension of execution of sentence of imprisonment
425	Who may issue warrant	465	Who may issue warrant
426	Sentence on escaped convict when to take effect	466	Sentence on escaped convict when to take effect

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
427	Sentence on offender already sentenced for another offence	467	Sentence on offender already sentenced for another offence
428	Period of detention undergone by the accused to be set off against the sentence of imprisonment	468	Period of detention undergone by accused to be set off against the sentence of imprisonment
429	Saving	469	Saving
430	Return of warrant on execution of sentence	470	Return of warrant on execution of sentence
431	Money ordered to be paid recoverable as a fine	471	Money ordered to be paid recoverable as a fine
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432	Power to suspend or remit sentences	473	Power to suspend or remit sentences
433	Power to commute sentence	474	Power to commute sentence
433A	Restriction on powers of remission or commutation in certain cases	475	Restriction on powers of remission or commutation in certain cases
434	Concurrent power of Central Government in case of death sentences	476	Concurrent power of Central Government in case of death sentences
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
436	In what cases bail to be taken	478	In what cases bail to be taken
436A	Maximum period for which an undertrial prisoner can be detained	479	Maximum period for which an undertrial prisoner can be detained
437	When bail may be taken in case of non-bailable offence	480	When bail may be taken in case of non-bailable offence

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
437A	Bail to require accused to appear before next Appellate Court	481	Bail to require accused to appear before next appellate Court
438	Direction for grant of bail to person apprehending arrest	482	Direction for grant of bail to person apprehending arrest
439	Special powers of High Court or Court of Session regarding bail	483	Special powers of High Court or Court of Session regarding bail
440	Amount of bond and reduction thereof	484	Amount of bond and reduction thereof
441	Bond of accused and sureties	485	Bond of accused and sureties
441A	Declaration by sureties	486	Declaration by sureties
442	Discharge from custody	487	Discharge from custody
443	Power to order sufficient bail when that first taken is insufficient	488	Power to order sufficient bail when that first taken is insufficient
444	Discharge of sureties	489	Discharge of sureties
445	Deposit instead of recognizance	490	Deposit instead of recognizance
446	Procedure when bond has been forfeited	491	Procedure when bond has been forfeited
446A	Cancellation of bond and bail- bond	492	Cancellation of bond and bail bond
447	Procedure in case of insolvency or death of surety or when a bond is forfeited	493	Procedure in case of insolvency of death of surety or when a bond is forfeited
448	Bond required from minor	494	Bond required from child
449	Appeal from orders under section 446	495	Appeal from orders under section 491
450	Power to direct levy of amount due on certain recognizances	496	Power to direct levy of amount due on certain recognizances

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
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
452	Order for disposal of property at conclusion of trial	498	Order for disposal of property at conclusion of trial
453	Payment to innocent purchaser of money found on accused	499	Payment to innocent purchaser of money found on accused
454	Appeal against orders under section 452 or section 453	500	Appeal against orders under section 498 or section 499
455	Destruction of libellous and other matter	501	Destruction of libellous and other matter
456	Power to restore possession of immovable property	502	Power to restore possession of immovable property
457	Procedure by police upon seizure of property	503	Procedure by police upon seizure of property
458	Procedure where no claimant appears within six months	504	Procedure where no claimant appears within six months
459	Power to sell perishable property	505	Power to sell perishable property
460	Irregularities which do not vitiate proceedings	506	Irregularities which do not vitiate proceedings
461	Irregularities which vitiate proceedings	507	Irregularities which vitiate proceedings
462	Proceedings in wrong place	508	Proceedings in wrong place
463	Non-compliance with provisions of section 164 or section 281	509	Non-compliance with provisions of section 183 or section 316
464	Effect of omission to frame, or absence of, or error in, charge	510	Effect of omission to frame, or absence of, or error in, charge

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
465	Finding or sentence when reversible by reason of error, omission or irregularity	511	Finding or sentence when reversible by reason of error, omission or irregularity
466	Defect or error not to make attachment unlawful	512	Defect or error not to make attachment unlawful
467	Definitions	513	Definitions
468	Bar to taking cognizance after lapse of the period of limitation	514	Bar to taking cognizance after lapse of the period of limitation
469	Commencement of the period of limitation	515	Commencement of the period of limitation
470	Exclusion of time in certain cases	516	Exclusion of time in certain cases
471	Exclusion of date on which Court is closed	517	Exclusion of date on which Court is closed
472	Continuing offence	518	Continuing offence
473	Extension of period of limitation in certain cases	519	Extension of period of limitation in certain cases
474	Trials before High Courts	520	Trials before High Courts
475	Delivery to commanding officers of persons liable to be tried by Court- martial	521	Delivery to commanding officers of persons liable to be tried by Court- martial
476	Forms	522	Forms
477	Power of High Court to make rules	523	Power of High Court to make rules
478	Power to alter functions allotted to Executive Magistrates in certain cases	524	Power to alter functions allocated to Executive Magistrate in certain cases
479	Cases in which Judge or Magistrate is personally interested	525	Cases in which Judge or Magistrate is personally interested

Section	Code of Criminal Procedure, 1973 (Cr.P.C.)	Section	Bharatiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.)
480	Practising pleader not to sit as Magistrate in certain Courts	526	Practicing advocate not to sit as Magistrate in certain Courts
481	Public servant concerned in sale not to purchase or bid for property	527	Public servant concerned in sale not to purchase or bid for property
482	Saving of inherent powers of High Court	528	Saving of inherent powers of High Court
483	Duty of High Court to exercise continuous superintendence over Courts of Judicial Magistrates	529	Duty of High Court to exercise continuous superintendence over Courts
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484	Repeal and savings	531	Repeal and Savings

