



PETTY ORGANIZED CRIMES

Petty crimes are minor offences that are less serious than crimes or big offences. They include infractions and violations, and some are classified as misdemeanours. Petty crimes include low-value item theft, shoplifting, vandalism, public inebriation, mere assault, and erratic behaviour.

I. Penal Provision under Bharatiya Nyaya Sanhita (BNS) 2023:

Section 112 (1) of the BNS provides that “*whoever, being a member a group or gang, either alone or jointly, performs any act of stealing, snatching, cheating, unauthorised sale of tickets, unauthorised betting or gambling, selling of public examination question papers, or any other similar illegal conduct. Whoever conducts a small organized crime must be punished with imprisonment for a time not less than one year but not less than seven years, as well as a fine*”.

II. Cognizability/ Bailability/ etc:

Above mentioned offences are cognizable, non-bailable offences. The magistrate has to discretionarily or mandatorily conduct a summary trial depending upon the offences committed, depending under whichever provision it falls under, either Section 283(1) or 283 (2) of BNSS.

III. Provisions under BNSS:

Section 229 of BNSS specifies special summons in cases of petty offence. Section 276 delineates the procedure for conviction on the plea of guilty in the absence of the accused in petty cases. Section 417 of the act specifies no appeal in petty cases. Section 172(2) said that in the event of cognisable offences, the offender must appear before a magistrate, while in minor cases, the person might be freed after the "occasion has passed." As a result, Section 172(2) of the BNSS requires

that the imprisoned individual be brought before a magistrate or freed in minor situations within twenty-four hours. The BNSS stipulated that the verdict must be rendered within thirty days following the conclusion of the hearing under Section 258(1). This time frame might be increased to sixty days. According to Section 258 of the BNSS, the extension term is now restricted to forty-five days, which can be requested in writing.

IV. Remarks:

Community Service is prescribed as a punishment for minor offences such as failure to appear in response to a proclamation, attempting to commit suicide, attempting to compel or restrain the exercise of lawful power by a public servant, petty theft, public misconduct by a drunken person, defamation, and so on.

According to the amount of the stolen item involved, the monetary limitations for small thefts that are triable in summary trials have been raised from ₹2000 to ₹20,000 [section 283(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS)].

For minor and less serious matters, a summary trial is required by Section 283 of the BNSS. Section 260(1) of the CrPC stated that the Magistrate "may if he thinks fit, try in a summary way all or any of the following offences," indicating that the Magistrate had the power to try minor and less serious offences in this manner. The term "may" is replaced with "shall" in Section 283(1) of the BNSS, which also raises the maximum amount that may be awarded for minor offences that undergo summary trial.
