



READY RECKONERS

SNATCHING

Snatching has shown itself as one of the largest threats to all strata of society, predominantly women and the elderly. It is pertinent to mention that it is one of the new offences that has been introduced in the New Criminal Laws. The rising incidents of chain snatching, and mobile phone snatching, which contain sensitive data, financial information, and passwords necessitated the addition of a section to punish the same.

Theft is considered “snatching” if, with the intent to commit theft, the offender suddenly, quickly, or forcibly seizes, secures, grabs, or takes away any movable property from any person or their possession.

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

Section 304 (1) of BNS 2023 defines snatching as a distinct form of theft. For an act to qualify as “Snatching,” it must encompass all elements of theft, including dishonest intention, lack of consent, and the movement of the property. Section 304 (2) provides that “whoever commits snatching, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine”.

II. Cognizability/ Bailability etc.:

Snatching is a cognizable, non-bailable, and non-compoundable offence. In particular, if the offence is penalized under Section 304(2) as per Section 283(2) of the BNSS, the magistrate may choose to hold a summary trial. The offence has been made triable by any magistrate.

Provisions under BNSS :

FIR registration (Sections 173): The procedure begins when the complainant goes to the police station to file an FIR under Section 173.

Property Seizure (Sections 106-107): During the investigation, the police may seize any property associated with the crime vide Section 106. It also requires the seized property to be presented to the Magistrate. Section 107 (7),(8) lays down the procedure for the attachment, forfeiture or restoration of such property to the victim.

Investigation (Sections 173-196): A new provision in BNSS has been added vide Section 173(3) wherein on receipt of information relating to a cognizable offence, the officer-in-charge of the police station may with prior permission from an officer not below the rank of Deputy Superintendent of Police (i) Conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within 14 days, or (ii) proceed with investigation when there exists a prima facie case. The procedure for investigation is given under Section 176.

Charge Sheet (Section 193): If there is adequate evidence following an inquiry, a charge sheet is submitted under Section 193.

Framing of Charges (Section 251): Section 251 provides the framework for the start of the trial. BNSS states that charges must be framed within 60 days of the initial charge hearing.

Trial (Sections 248-260): The witnesses are examined, cross-examined, and re-examined as the trial moves along. Under Section 248, the Public Prosecutor will lead the trial. Section 249: Prosecution will begin. Section 250: Discharge. Section 251: Framing of charges. Under section 252, Plea of guilty and conviction. Section 253: Date of the prosecution's

evidence. Section 254: Prosecution-related evidence and Section 255: Acquittal.

Judgment (Sections 258-260): The court renders a decision based on the evidence that was put out in the trial.

III. Remarks:

Theft was formerly specified under Section 379 of the Indian Penal Code (IPC), however, snatching was not specifically listed as a distinct crime.

BPR&D