

Thank You, Thank You, Thank You, Thank You, Thank You, Thank You, Thank You



Prosecution Replenish 10th Anniversary



Thank You, Thank You, Thank You, Thank You, Thank You, Thank You, Thank You

Word of Gratitude



Season's greetings.

Ten years ago, we launched this leaflet based on the simple premise to replenish our Prosecution Department with the latest elucidation of law delivered by the Constitutional Courts. We wanted it to “be free and everywhere”.

As you are all aware, the physical form of our leaflet, though heavily patronized by you all, was unable to reach all, due to varied reasons. The earlier website was hacked umpteen times keeping the technical personnel on their toes always. Then, posting on Social Media was undertaken. The advent of the Social Media made it possible to be “everywhere,” while the emergence of the concept of open access allowed us to be “free” by allowing completely unrestricted access to every leaflet.

While Social media like Whatsapp, face-book etc were utilized in addition to emails etc, it was felt to further expand and this paved way to posting the leaflet in Telegram Channel and further launching an New Website, so as to be accessible to our patrons at all times.

Today, as we look back over our first decade, we see that our premise was correct. In a short time, the leaflet has risen from nothing to become a leading lookup publication. Numbers for submissions, publications, internet access, downloads, and citations all have reached remarkable levels and continue to increase. We thank the patrons who have powered this amazing trajectory.

The Judiciary, the Investigating Agency and the Prosecutors have all played a role, in our leaflet adorning the crown. Our leaflet has grown to National level recognition and all credit goes to our Patrons for their uncompromising patronage.

We celebrate this anniversary with this special issue, composed of invited articles from distinguished Patrons and exclusive matter. We hope you will enjoy these contributions, as we hope you will enjoy our leaflet "Prosecution Replenish" in future too.

We stealthily acknowledge the hands of the guiding forces behind us, they are instrumental in shaping us in the manner we are today and forever believing in us that the leaflet would satiate our pursuits. We are wantonly not taking any names as the same would be exhaustive and the space is a constraint. Further it is their counsel that names do not matter; but the content does.

I deeply thank Smt Deepa Rani, APP for contributing the Evidence Act pages, Sri Abhinay, APP for correcting the CrPC pages & Sri K.Hanumanthu, HG for correcting the SLL pages.

I also thank Ms. LJJ Mrunalini, APP; Smt.Vidya Deore Nikam, APP; Smt Sandhya Chakravarthy, Addl PP and Rajesh Shastri, APP, for sparing their valuable contributions to this commemorative edition.


Hoping the same cooperation and patronage in future from all our well wishers and patrons,

I Remain,

Yours faithfully,

L.H.Rajeshwer Rao,
Addl. PP Gr-II & FM-Law,
RBVRR TS Police Academy,
Telangana State.

While due care is taken while preparing this information. The patrons are requested to verify and bring it to the notice of the concerned regarding any misprint or errors immediately, so as to bring it to the notice of all patrons. Needless to add that no responsibility for any result arising out of the said error shall be attributable to the publisher as the same is inadvertent.

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CRIMINAL PROCEDURE CODE

Sec 2 of Code of Criminal procedure - Are arranged in alphabetical order from 2(a) to 2(y)

Under the Code investigation consists generally of the following steps:

1. Proceeding to the spot,
2. Ascertainment of the facts and circumstances of the case,
3. Discovery and arrest of the suspected offender,
4. Collection of evidence relating to the commission of the offence which may consist of
 - the examination of various persons (including the accused) and the reduction of their statements into writing, if the officer thinks fit,
 - the search of places of seizure of things considered necessary for the investigation and to be produced at the trial, and
 - Formation of the opinion as to whether on the material collected there is a case to place the accused before a Magistrate for trial and if so taking the necessary steps for the same by the filing of a charge-sheet under Sec 173.

H.N.Rishbud vs The State Of Delhi on 14 December: 1955 AIR 196

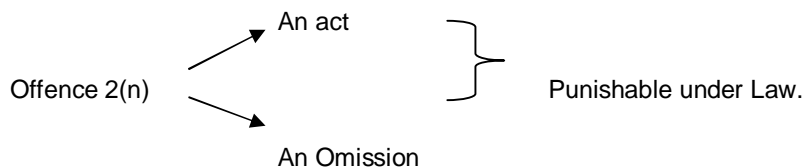
STAGES OF A CRIMINAL TRIAL

1. **Registration of FIR**
2. **Commencement of investigation** and collection of evidence by investigating agency. During this time, at any stage decided by investigating agency, accused persons can be arrested.
3. **Production of accused** before Magistrate (within 24 hours)
 - Remanded to police custody for further investigation; or
 - Remanded to judicial custody.
4. **Bail hearing** before appropriate court – Arguments of the defence are rebutted by the public prosecutor.
5. **After investigation** is completed:
 - If investigating agency feels prima facie case is made out, chargesheet is filed in Court through public prosecutor.
 - If police feels that no prima facie case is made out, final report filed in Court.
6. **Decision is taken by the Court** after hearing the public prosecutor and the counsel for defence:
 - On question of Charge:**
 - Court can reject chargesheet, in which case the accused is discharged.
 - Court can accept that a prima facie case is made out, frame the charges, and post the case for trial. Case goes to next stage (7).
 - On Final Report:**
 - Court can accept the final report- case is closed and accused is discharged.
 - Court can reject the final report, and:
 - direct the police to further investigate the case. Case goes back to Stage 2.
 - Direct the case be posted for trial. Case goes to next stage (7).
7. **Framing of Charge by Court**
 - Accused pleads guilty to the Charge. Depending on the seriousness of the crime, the Court may either convict on the basis of plea or post the case for trial.
 - Accused pleads not guilty. Case is posted for trial.

8. **Trial commences** – examination of witnesses and other evidence
 - examination of prosecution witnesses by public prosecutor, marking of exhibits, and cross examination by defence counsel.
9. **Statement of Accused** under section 313, Cr.P.C
10. **Defence Evidence:** if defence wants to, it examines defence witnesses, who are cross examined by the public prosecutor, and exhibits defence evidence.
11. **Final Arguments** – Public Prosecutor and the defence counsel present their arguments.
12. **Judgment** and sentence by the Court:
 - (i) Acquittal of accused, or
 - (ii) Conviction, in which case:
 - arguments of public prosecutor and defence counsel on sentence.
 - Judgment of Court passing sentence.
11. **Appeal** (within specified period of limitation) - Can be filed by party aggrieved by judgment on acquittal/ conviction/ reduction of sentence.
12. On notice being issued to the opposite parties, **arguments** are placed before Appeal court of defence counsel and the public prosecutor.
13. **Judgment** of Appeal Court. Note:
 - a. At any stage during the trial either party can also file a Revision Petition challenging an interim order of the Trial Court, or a procedure adopted by it.
 - b. Either party can also file petitions under section 482, Cr.P.C (inherent powers of the High Court)

In any of these situations, the Appeal Court can direct a stay of the trial proceedings.

Any case has to start with reporting the matter to the Police and if the police fail to act on their issue, then to the Magistrate, who may take up the issue himself or direct the police to investigate. This depends on the inquiry done by the Magistrate. If Police take up the investigation, then they follow the steps as stated above. They file the Police Report to that effect. The court frames the charges basing on the said report and tries the accused for the said charges. In order to understand the code, we have to start with the definitions of the terms used in the code. These are placed at several places starting at Section 2. Let us first get through them



Kinds of Offences & Cases

↓	↓	↓
Bailable Offence & Non-bailable Offence (Sec 2a)	Cognizable and Non-Cognizable (2c & 2l)	Warrant Case and Summons case (2x & 2w)
↓	↓	↓
<p>“Bailable offence” is an offence 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;</p>	<p>a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant, in cognizable offence/ case; In non-cognizable offence/case, a police officer has no authority to arrest without warrant;</p>	<p>“warrant-case” means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years; “summons-case” means a case relating to an offence, and not being a warrant-case;</p>

COURT

<p>Complaint- Sec 2(d)- any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.</p>	<p>2g-"inquiry" means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court;</p>	<p>2i- "judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath;</p>
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POLICE

<p>Section 2(s) Police station:-</p> <p>“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.</p>	<p>(o)"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;</p>	<p>h) "investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person other than a Magistrate who is authorized by a Magistrate in this behalf</p>	<p>Section 2(r) police report:- Means a report forwarded by a police officer to a magistrate under sub-section 2 of 173.</p>
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Charge-Sec 2(b) An accusation made against a person of an offence;

2(u) "Public Prosecutor" means any person appointed under sec 24, and includes any person acting under the directions of a Public Prosecutor;

j) "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 Code 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;

(k) "metropolitan area" means the area declared, or deemed to be declared, under section 8, to be a metropolitan area;

(p)"place" includes a house, building, tent, vehicle and vessel;

(q)"pleader", when used with reference to any proceeding in any Court, means a person authorised by or under any law for the time being in force, to practise in such Court, and includes any other appointed with the permission of the Court to act in such proceeding;

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

(y)words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860) have the meanings respectively assigned to them in that Code.

3. Construction of references.

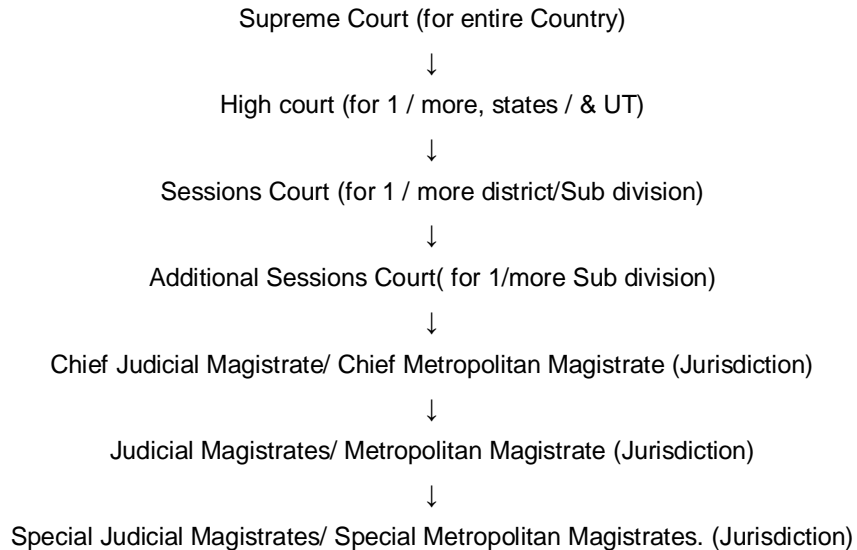
Reference In CrPC	Mofusil Areas	Metropolitan Areas
Magistrate	Judicial Magistrate	Metropolitan Magistrate
Magistrate of the second class	Judicial Magistrate of the second class	Metropolitan Magistrate
Magistrate of the first class	Judicial Magistrate of the first class	Metropolitan Magistrate
Chief Judicial Magistrate	Chief Judicial Magistrate	Chief Metropolitan Magistrate

Reference in any other enactment	Mofusil Areas	Metropolitan Areas
Magistrate of the first class	Judicial Magistrate of the first class	Metropolitan Magistrate
Magistrate of the second or third class	Judicial Magistrate of the second class	Metropolitan Magistrate
Presidency Magistrate or Chief Presidency Magistrate	--	Metropolitan Magistrate or Chief Metropolitan Magistrate

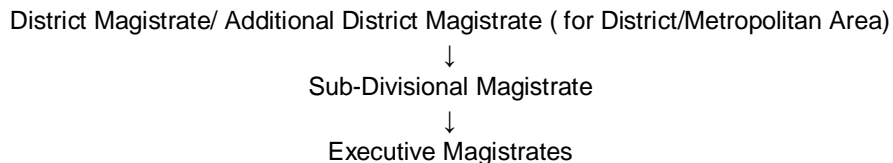
Duties of a Judicial Magistrate:- appreciation or sifting of evidence or the formulation of any decision which exposes any person to any punishment or penalty or detention in custody pending investigation, inquiry or trial or would have the effect of sending him for trial before any Court

Duties of a Executive Magistrate:- administrative or executive in nature, such as, the granting of a licence, the suspension or cancellation of a licence, sanctioning a prosecution or withdrawing from a prosecution.

Section 6-19- Judicial Magistrates



Section 20-23 – Executive Magistrates



Special Executive Magistrate for Special purposes like land acquisition etc.

Sec 24-25A- Public Prosecutors

State Government/ Central Government shall appoint Public Prosecutor/ Additional Public Prosecutors (each High Court/ each District/local area)

District Magistrate + Sessions Judge -> Prepare Panel of eligible Advocates having 7 years of active practise (7) -> for appointment as Public Prosecutors/ Additional Public Prosecutors in the District(4).- Not appointed if name is not in panel(5) – not appointed if there is a suitable candidate from the regular cadre of prosecuting officers having promotional avenues from Assistant Public Prosecutor Post to the Public Prosecutor post of the department (6) - State Government/ Central Government/ Victim -.Can appoint Special Prosecutor(10 years) for any case/cases.

Assistant Public Prosecutor : -

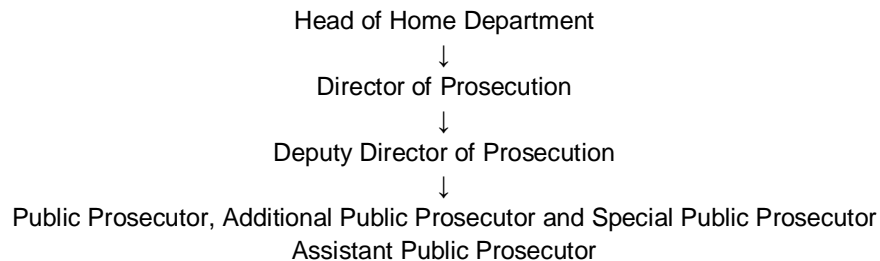
State Government/Central Government ->Can appoint Assistant Public Prosecutor to conduct prosecution in Magistrate Courts.

When APP is not available

District Magistrate- > may appoint any person to act as APP including an Inspector of police, if he has not participated in the investigation of the case, that is being prosecuted.

Directorate of Prosecutions –

State Government + High court -> appoints -> an Advocate having 10 years of practice as Director of Prosecution/ and Deputy Director of Prosecution.



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

26. Courts by which offences are triable

- IPC offences by HC/Sessions court/Any other court as per Schedule-1
- Any other law by the court mentioned in law/HC/Any other court as per schedule-1

27. Jurisdiction in the case of juveniles –

- If not death or Life Imprisonment – tried by CJM/any special court

**CHAPTER III
POWER OF COURTS**

S- 28,29

Court	Punishment it can grant is any sentence authorised by law	Remarks
High court	any sentence authorised by law	
A Sessions Judge or Additional Sessions Judge	any sentence authorised by law	Any sentence of death passed by any such Judge shall be subject to confirmation by the High Court
An Assistant Sessions Judge	any sentence authorised by law X death / imprisonment for life/ imprisonment > 10 years.	
Chief Judicial Magistrate/ Chief Metropolitan Magistrate	any sentence authorised by law X death / imprisonment for life/ imprisonment > 7 years	
Magistrate of the first class/ Metropolitan Magistrate	imprisonment < 3 years / 10,000/- fine/ both	
Magistrate of the second class/ Metropolitan Magistrate	imprisonment < 1 years / 5,000/- fine/ both	

Sec 28 and 29 CrPC

Court	Punishment
High Court	Any sentence authorised by Law
Sessions or Additional Sessions Judge	any sentence authorised by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court
Assistant Sessions Judge	imprisonment for a term upto ten years
Chief Judicial Magistrate	imprisonment for a term upto Seven years
a Magistrate of the first class	imprisonment for a term not exceeding three years, or of fine not exceeding ten thousand rupees, or of both.

Sec 30 – 35- Imprisonment in default of fine:

Magistrate
1/4th of the terms of imprisonment for that offence
Should not exceed power conferred under Sec 29.
Imprisonment in addition to that can be awarded.

Sec-31 – sentence in case of conviction of several offences at one trial

- The court may direct the commencement of punishments either consecutively or concurrently

Sec-32- mode of conferring powers---- both High court and State govt can confer powers

Sec-33- Powers of officers appointed—

Sec-34- Withdrawal of powers- Both HC and State govt and CJM and DM may also withdraw

Sec-35- Powers of Judges and Magistrates exercisable by their successors-in-office.

CHAPTER-IV

Sec 36- superior Rank officer can exercise SHO Powers.

Sec-37- Public when to assist Magistrates and Police>Public bound to assist police or magistrate

To prevent

1. escape of a person
2. breach of peace
3. Damage to railways, telegraph, canal, Public Property

Sec-38- Aid to person, other than police officer, executing warrant - other than Police

Sec-39- Public to give information of certain offences of commission or intention.- to the nearest magistrate or police officer

Sec- 40. Duty of officers employed in connection with the affairs of a village to make certain report.
Shall inform to nearest magistrate or police officer

Chapter-V
Arrest of Persons

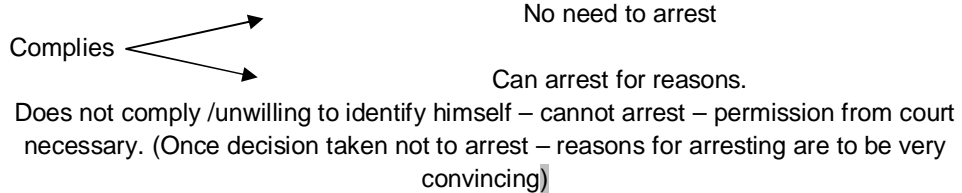
Sec 41 –CIPSODER- Arrest Without Warrant or order of a magistrate

- C ognizable
- I nformation/complaint/suspicion but conditions-i)reason to believe ii) FIETP
- P roclaimed offender (under this code or by order of st govt)
- S tolen Property
- O bstructs Police
- D eserter
- E xtradition
- R eleased convict /request from other Police Station.

- NC Offence X arrest except under a warrant or order of a magistrate.

Sec 41A – Notice of Appearance:- (X Non-cognizable offence)

Where arrest is not required under Section 41(1) CrPC
Duty of person to comply with terms of notice.



Sec 41B – Procedure of arrest and duties of officer making arrest:

- Bear accurate identification of his name.
- Prepare arrest memo
- Attested by 1 witness atleast – family members/ respectable local person.
- Countersigned by and
- If no family member, inform accused to name person of relative/friend to be informed about his arrest.

↗ District – notice board- persons arrested.

Sec 41C – Control room at districts

↘ State

Sec 41D – Right to meet an advocate of his choice during interrogation – but not throughout interrogation

Sec 42 – Arrest(of person who did NC in the presence of P.O or accused of doing NC) on refusal to give name and address – only power in NC cases to arrest – when once name and address ascertained- release - <24 yrs – X ascertained – no sureties produced – send to JM.

Sec 43 – Arrest by Private Person – produce before nearest police officer – nearest police station- if comes U/s. 41 CrPC.- Police officer re arrests him- if comes U/s 42 CrPC- 42 CrPC to be followed.

Sec 44 – Arrest by Magistrate for any offence(C &NC)

Sec 45 – Protection to Armed forces members.

Sec 46 – Arrest how made

Touch/confine, if not responding to word/action – Woman only by woman.

Forcibly resists – use all means.

X Punishable with death/life X should not cause death.

After Sunset and before Sunrise – woman – X arrest – exceptional circumstances ✓ - permission of JM.

Sec 47. Search of place entered by person sought to be arrested.

Owner/occupier to grant free ingress.

X admittance – forcibly break open door/window for ingress – after giving warning.

If woman does not appear publicly as per custom – ask her to withdraw- X if that woman itself is to be arrested.

Break open any door/window – to liberate himself.

Sec 48 – Pursuit of offenders into other jurisdictions- Any place in India.

Sec 49 – No unnecessary restraint – only necessary to prevent accused's escape.

Sec 50.- Person arrested to be informed grounds of arrest and right to bail.(Bailable/Non-bailable) if arrest without warrant – **Article-22**

Sec 50A – obligation to inform about arrest to nominated person: friends/ relatives/ nominated person

2. Rights under sub sec(1) to be informed as soon as he is brought to PS.

3. Make an entry of such intimation in a book in P.S.

4. Magistrate to check compliance(of 2 &3). (Remand Return – 59-discharge) -**Article -22**

Sec 51 Search of Arrested persons – make list –receipt to accused – place in safe custody.

Female accused –search by woman only.

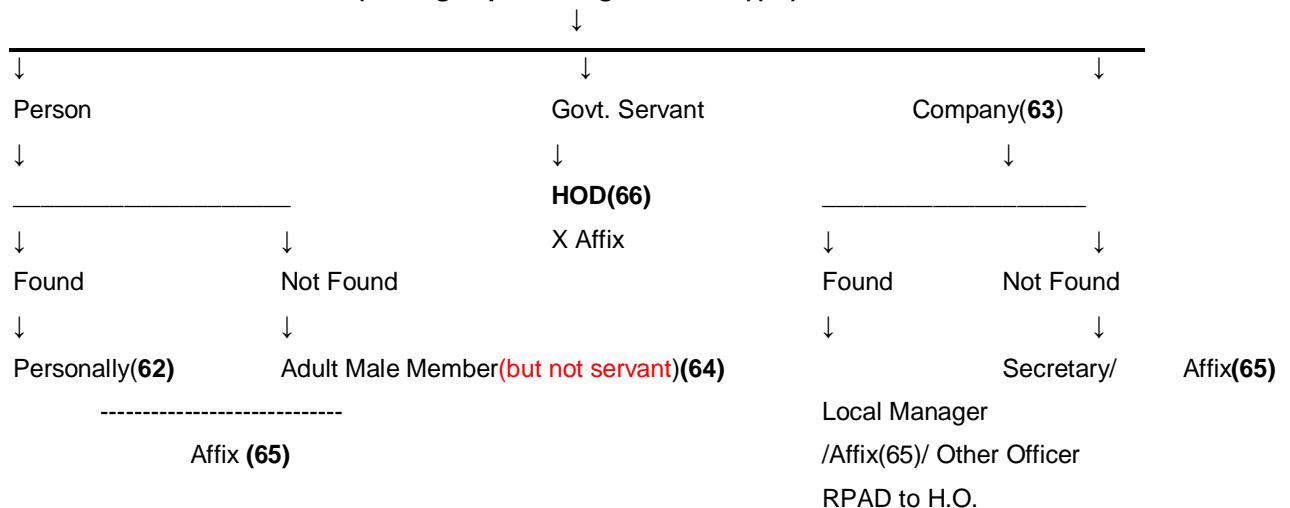
Sec 52 – Power to seize offensive weapons.- seize and deliver to court.

Sec 53. - Examination of accused by medical practitioner at the request of police officer.- for the purpose of evidence as to commission of offence- Registered. Medical Practitioner – req. of Police officer ≥ SIP.

X Polygraph / brain mapping –Selvi Vs State of Karnataka

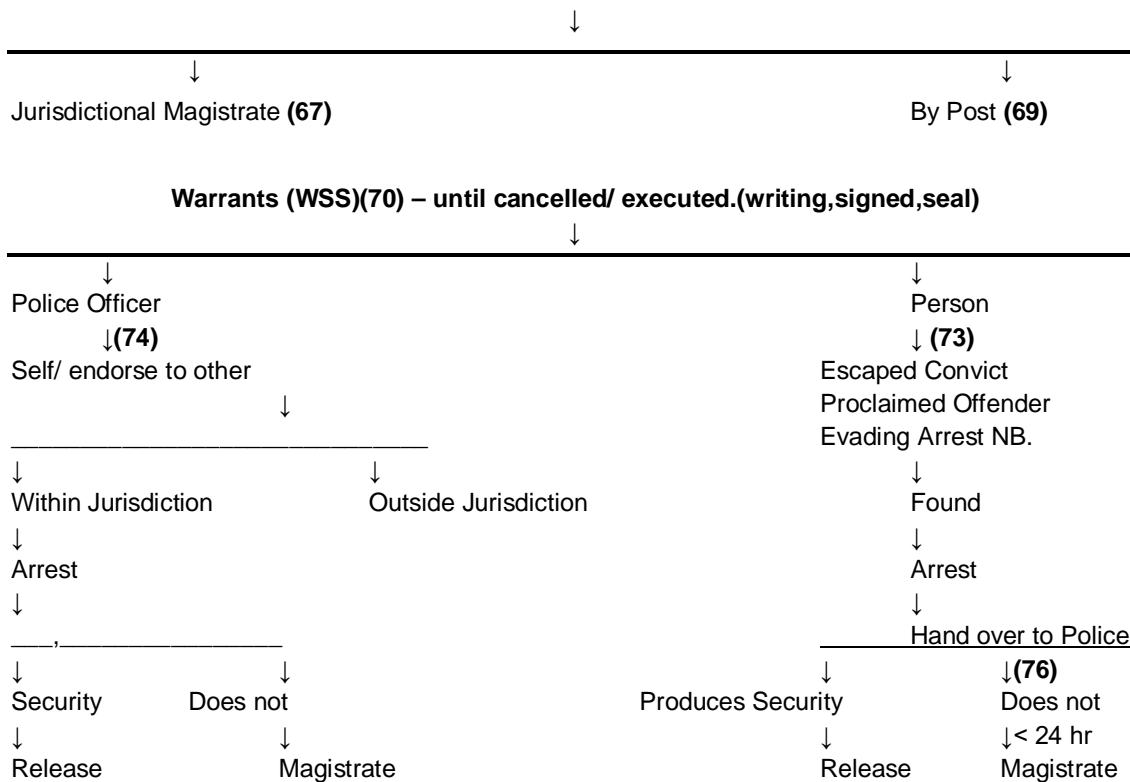
- Sec 53A.** Examination of person accused of rape by medical practitioner for the purpose of evidence. – < 16 KM from SOC
- Sec 54.** Examination of arrested person by medical officer.- for remand.- Woman in supervision of Woman- Time of injury/ injury / marks of violence.
- Sec 54A.** Identification of person arrested. (Test Identification Parade)
- Apply to Mag –direction to accused –subject to identification.
 - If identifier is mentally or physically disabled person – procedure to be videographed.
- Sec 55.** Procedure when police officer deposes subordinate to arrest without warrant- in writing yo sub-ordinate officer giving description etc of person to be arrested.
- Sec 55A.** Health and safety of arrested person.- responsibility of person holding custody.
- Sec 56.** Person arrested to be taken before Magistrate or officer in charge of police station.-without unnecessary delay.
- Sec 57.** Person arrested not to be detained more than twenty-four hours. **Article -22**
- Sec 58.** Police to report apprehensions.-DM/SDM.
- Sec 59.** Discharge of person apprehended.-Upon remand- on accused bond/bail / Spl. Order of magistrate.
- Sec 60.** Power, on escape, to pursue and retake.- pursue and arrest found anywhere in India.
- Sec 60A.** Arrest to be made strictly according to the Code

**Chap- VI -Summons
Processes to compel appearance
(Writing duplicate Signed Sealed)(61)**

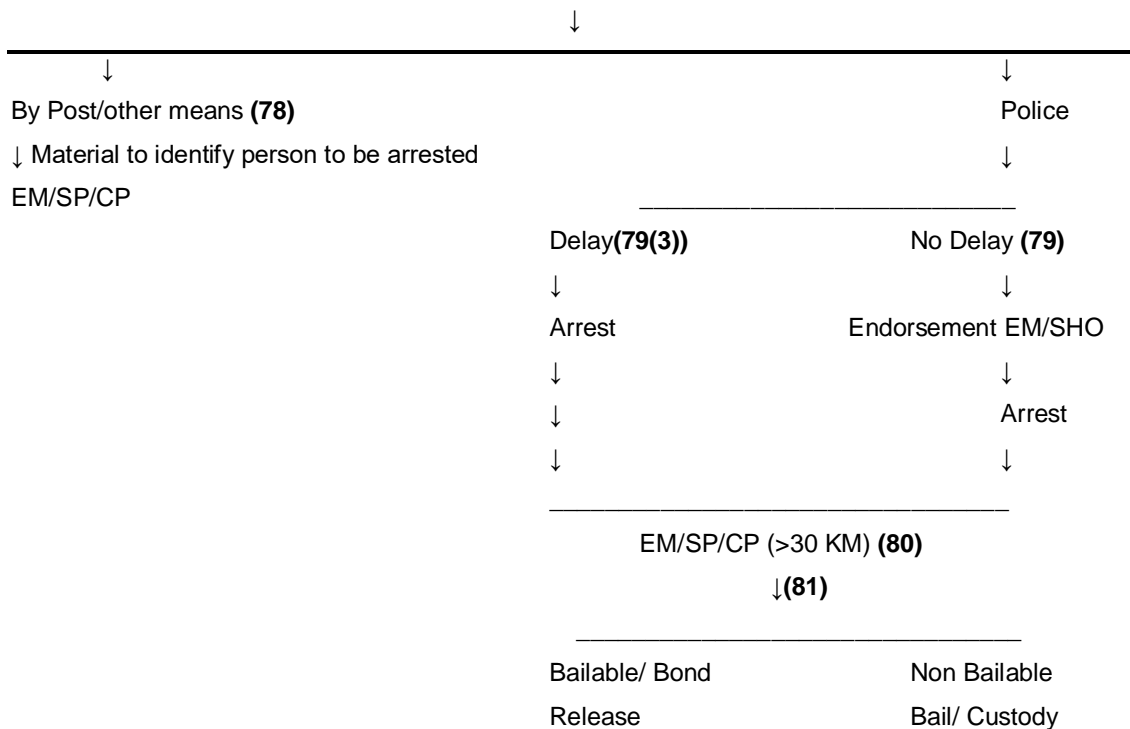


In addition by Post (**sec 69**) Only to Witness.

OUTSIDE JURISDICTION



Outside Jurisdiction



85(3)

Not wanton absconding or concealing or avoiding execution of the warrant, and No Notice of proclamation or, if the same has been sold, the net proceeds of the sale, or, if part only thereof has been sold, the net proceeds of the sale and the residue of the property, shall, after satisfying there from all costs incurred in consequence of the attachment, be delivered to him.

↓

86. Appeal from order rejecting application for restoration of attached property to regular appellate court.

D.—Other rules regarding processes

87. Issue of warrant in lieu of, or in addition to, summons.

(a) if, reasons to believe that he has absconded or will not obey the summons; or

(b) If fails to appear after due service of summons without reasonable excuse.

88. Power to take bond for appearance.— such person on appearance has to execute a bond, w/w.o for his appearance in such Court, or any other Court to which the case may be transferred for trial.

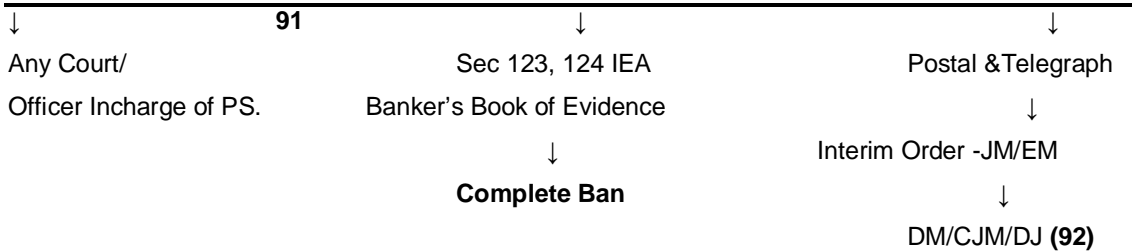
89. Arrest on breach of bond for appearance.— Court may issue a warrant

90. Provisions of this Chapter generally applicable to summonses and warrants of arrest.—

Chapter-VII

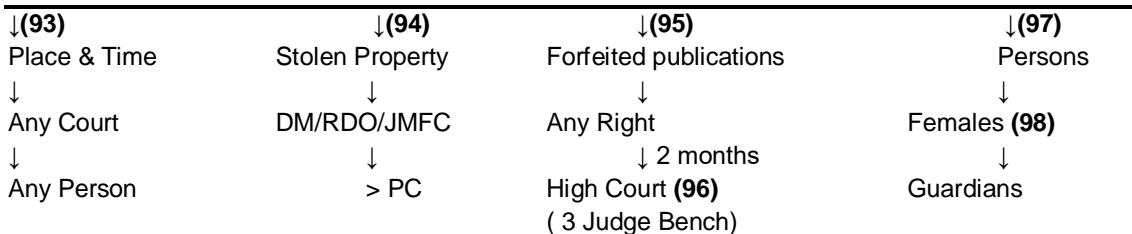
Summons to produce Documents

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Search Warrants

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C.—General provisions relating to searches

99. Direction, etc., of search-warrants.—The provisions of sections 38, 70, 72, 74, 77, 78 and 79 shall, so far as may be, apply to all search-warrants issued under section 93, section 94, section 95 or section 97.

100. Persons in charge of closed place to allow search.—

(1) on production of the warrant, allow him free ingress thereto, and **afford all reasonable facilities** for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in the manner provided by sub-section (2) of section 47.

(3) person concealing the search object may be searched and if such person is a woman, the search shall be made by another woman with strict regard to decency.

(4) In the **presence of two or more independent and respectable inhabitants of the locality** in which the place to be searched is situate or of any other locality

(5) **list of all things seized** and places in which they are respectively found shall be prepared and signed by such witnesses; Such witness need not be called to court as a witness unless specially summoned by it.

(6) The occupant of the place searched, or some person in his behalf shall be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person.

(7) When any person is searched under sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person.

(8) Any person who refuses to attend and witness a search when requested in writing shall be deemed to have committed an offence under section 187 of the Indian Penal Code (45 of 1860).

101. Disposal of things found in search beyond jurisdiction.—such things, together with the list of the same shall be immediately taken before the Court issuing the warrant, nearest Magistrate.

D.—Miscellaneous

102. Power of police officer to seize certain property.—

(1) Any police officer may seize any property alleged or suspected to

- have been stolen, or

- found under circumstances which create suspicion of the commission of any offence.

(2) forthwith report the seizure to superior officer.

(3) forthwith report the seizure to the Magistrate and where the property seized

- cannot be conveniently transported to the Court, or

- is difficult to be stored securely or

- the continued retention of the property in police custody is necessary for the purpose of investigation,

he may give interim custody to any person on his executing a bond to produce the property as and when required and to give effect to the further orders of the Court as to the disposal of the same:

If Property is subject to speedy and natural decay AND person entitled to it is unknown or absent AND the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

103. Magistrate may direct search in his presence.

104. Power to impound document, etc., produced.— Court empowered - produced before it

105. Reciprocal arrangements regarding processes

CHAPTER VIIIA

RECIPROCAL ARRANGEMENTS FOR ASSISTANCE IN CERTAIN MATTERS AND PROCEDURE FOR ATTACHMENT AND FORFEITURE OF PROPERTY

105A. Definitions

105B. Assistance in securing transfer of persons to contracting state from India and from India to contracting state, with conditions .

105C. Assistance in relation to orders of attachment or forfeiture of property

Attachment or forfeiture of property requisition from Indian court to contracting state

court or authority and from contracting state court - central govt - Concerned court

in india

105D. Identifying unlawfully acquired property

Court shall direct = I.O for identifying

105E. Seizure or attachment of property

I.O has reason to believe that property is going to be disposed then seizure/Attachment and court shall confirm it in 30 days

105F. Management of properties seized or forfeited under this Chapter

Court may appoint DM/Anyone nominated by him to manage

105G. Notice of forfeiture of property

Court Notice to indicate source of income, earnings etc through which the property has been acquired

105H. Forfeiture of property in certain cases

Forfeit to Cent Govt.

105-I. Fine in lieu of forfeiture

105J. Certain transfers to be null and void

105K. Procedure in respect of letter of request

105L. Application of this Chapter

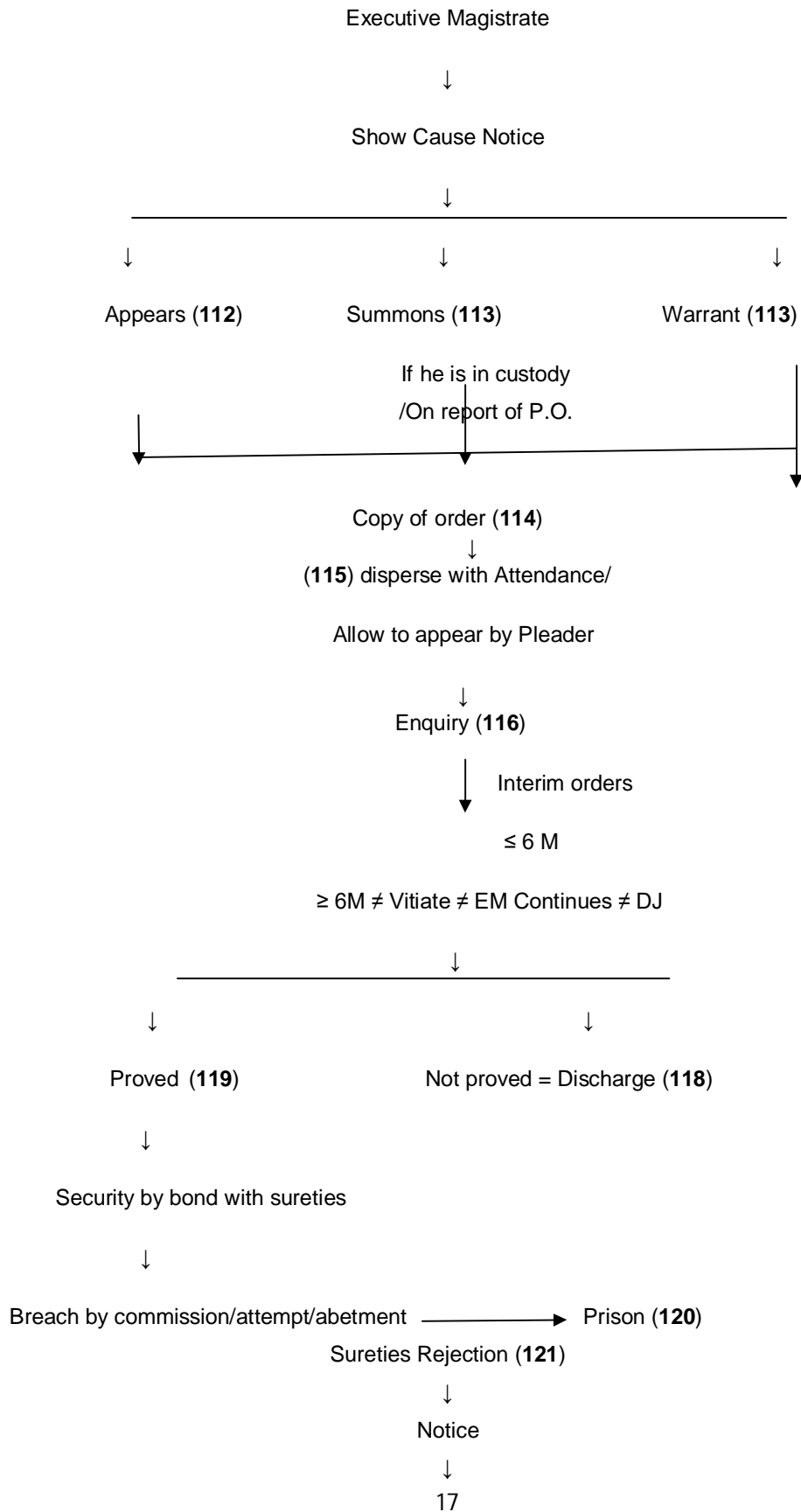
CHAPTER VIII

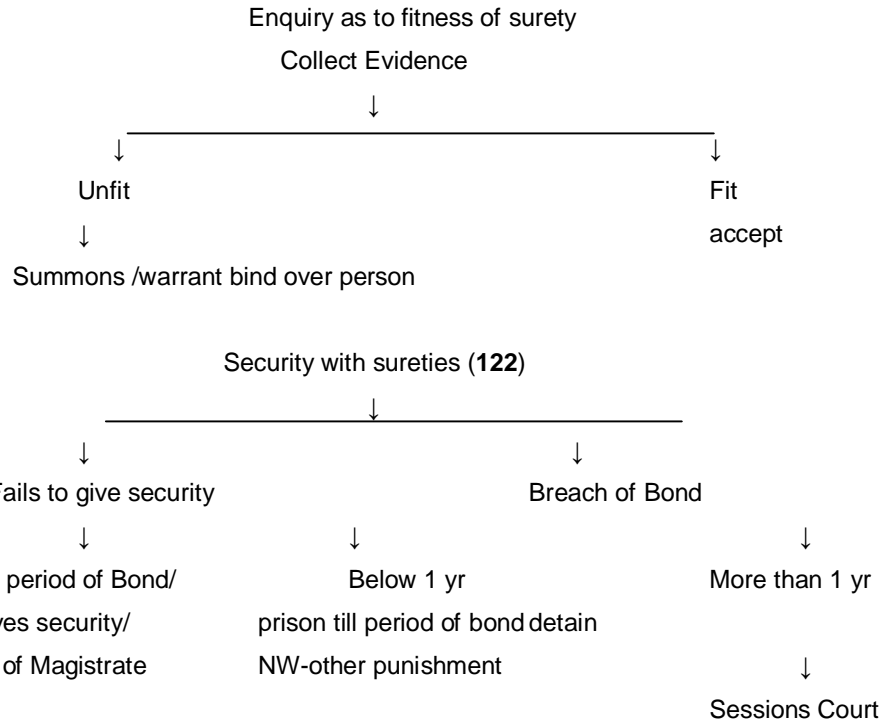
SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

Sec	Target Group		Magistrate	Action	Period
106	Convicts		Judicial Magistrate	Mention in Judgment	3 years
107	Peace & Tranquility		Executive Magistrate	Show Cause Notice	1 year
108	Seditious Publications	Publication Judge Obscene	Executive Magistrate	Show Cause Notice	1 year
109	Suspect		Executive Magistrate	Show Cause Notice	1 year
110	Habitual Offenders		Executive Magistrate	Show Cause Notice	3 years

111. Order to be made

-107,108,109,110





123. Power to release persons imprisoned for failing to give security

(1)DM/CJM(117)

(2)HC/CS or DM/CJM(117)

124. Security for unexpired period of bond

CHAPTER IX

ORDER FOR MAINTENANCE OF WIVES, CHILDREN AND PARENTS

125. Order for maintenance of wives, children and parents.

126. Procedure.

127. Alteration in allowance.

128. Enforcement of order of maintenance.

CHAPTER X

MAINTENANCE OF PUBLIC ORDER AND TRANQUILITY

129. Dispersal of assembly by use of civil force- EM/PS not below SI, force/arrest

- 130. Use of armed forces to disperse assembly- EM
- 131. Power of certain armed force officers to disperse assembly
- 132. Protection against prosecution for acts done under preceding sections

Public nuisance

- 133. Removal – conditional order of Magistrate
Order (Sec.133(2))
- 134. Served as summons (notification u/sec.134 (Summons 62 to 68)
- 135. Person to whom order is addressed to obey /show cause
- 136. Consequence of his failing to do so
- 137. Procedure where existence of public right is denied
- 138. appears to show cause.
- 139. Magistrate to direct local investigation and examination of an expert
- 140. To furnish written investigation
- 141. Procedure on order being made absolute and consequences of disobedience.
- 142. Injunction pending inquiry- r/w s-133
- 143. Magistrate may prohibit repetition or continuance of public nuisance-DM/SDM/any EM
- 144. Power to issue order in urgent cases of nuisance or apprehended danger- DM/SDM/any EM

CIVIL- TITLE

Sec.145 – Breach of Peace

- Police officer – report - Executive Magistrate - dispute of land or water or boundaries thereof.
- Executive Magistrate - order – attend before him- date/time- to file written statements.
- Land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.
- Copy of the order shall be served. One copy - affixed on place of dispute.
- Executive Magistrate - peruse the statements - hear the parties- receive all evidence- take further evidence- decide who is in possession date of Police Report(P.R)
- if any party dispossessed illegally - within 2 months from P.R. or from P.R to summons – restore possession.
- If no dispossession – no order
- if Executive Magistrate decides- a party entitled - restore possession- and from being evicted illegally
- If any party dies- legal representative
- Crop/ produce- speedy and natural decay- custody or sale
- On appeal of party –summon a witness
- Power in addition to Sec.107 CrPC- Bond for keeping peace

Sec.146 – Attach disputed property – unable to satisfy who is entitled for possession – attach till civil court decides person entitled.

May withdraw attachment- when no threat to L&O
May appoint receiver
If receiver appointed by civil court- withdraw the receiver.

Sec.147- Right of use of land or water

Executive Magistrate- report of a police officer - easement- summons- to file W.S.
Peruse the statements - hear - receive evidence –decide
Make an order for enjoying /removal/ obstruction of easement – being enjoyed < 3 months
<P.R, seasonal X- continuous
If 145 attracts- procedural u/sec.145 CrPC

Sec.148- Local inquiry – 145 to 147- DM/RDO- any subordinate- report/costs

Chapter-XI

Sec.149- Police to prevent cognizable offences.

Sec.150- Information of design to commit cognizable offences – inform to Superior

Sec.151- Arrest to prevent commission of cognizable offence police officer – knowing design of cognizable offence may arrest- X Magistrate orders - X warrant - arrest- to prevent.

(2) not exceeding 24 hours- unless extended by code.

Sec.152- Prevention of Injury of public property, Landmark, Buoy

Sec.153- Inspection of weight and measures – may enter – inspect- found false- seize- inform to Magistrate.

Chapter-XII

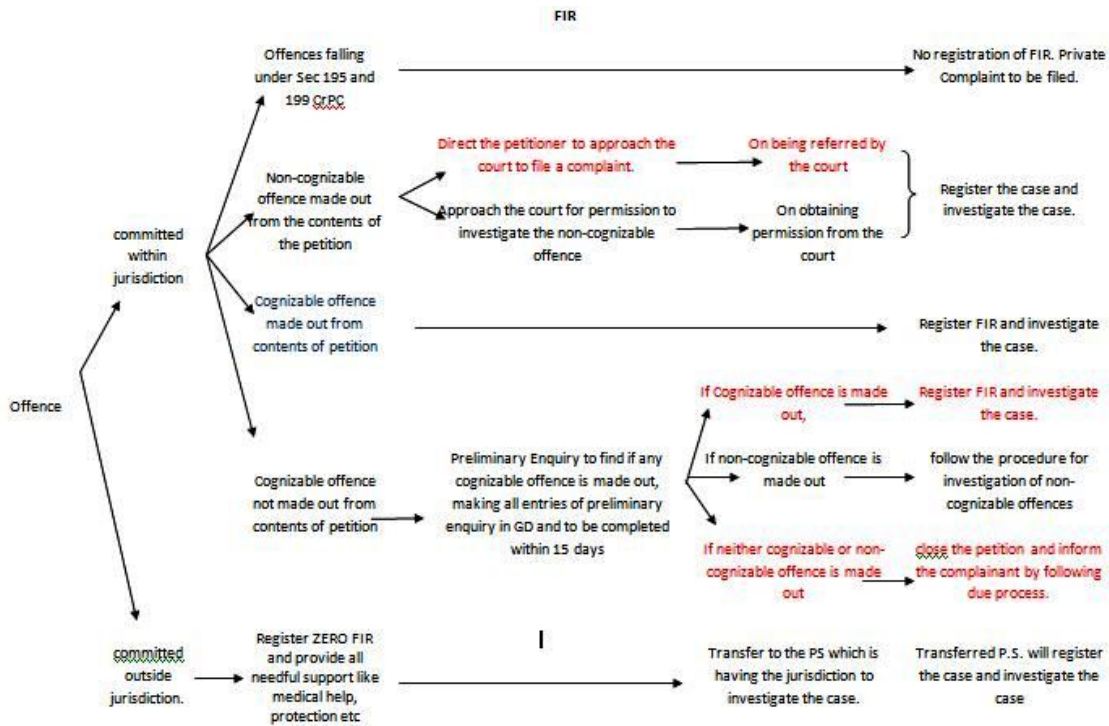
Sec.154- Information in cognizable cases

Orally- Reduce to writing – Read over –Signed – extend into a book – prescribed by Govt.

- Woman Police /officer- record - 326A, B, 354A to D; 376A to DB or 509
- Sexual offences- physically or mentally disabled- at residence /convenient place- interpreter/Spl. Educator
- AV methods
- 164 (5A)

Copy –free of cost- informant

Refusal to register- report to S.P. by Post- Investigate self/subordinate- Sec.36 CrPC



Sec.155- Information as to non-cognizable cases

Non-cognizable – enter in the book prescribed by State Govt. refer the informant to Magistrate.

No Investigation without order of Magistrate
Under order of Magistrate except arrest
2 or more- cognizable

Sec.156 -Police officer's power to investigate cognizable case

- Can investigate W/O magistrates order
- No question on the ground that the said officer is not empowered under this section
- Any magistrate empowered u/s 190 may order to investigate

157. Procedure for investigation

- I.O shall forthwith send the info to magistrate regarding the offence U/S 156 which I.O is empowered to investigate
- proceed in person/depute subordinate(Prescribed by state govt) to investigate and arrest
- in case of rape, victims stmt @ her house or place of her choice by Women Police in the presence of parents/guardians/near relatives/social worker.

158. Report how submitted

159. Power to hold investigation or preliminary inquiry

By magistrate or depute his subordinate to hold preliminary inquiry

160. Police officers power to require attendance of witnesses

By an order in writing witness of PS/Adjoining PS
-st govt - Reasonable expenses to witnesses by PO

- 161. Examination of witnesses by police**
 -PO may examine orally
 -Witness bound to answer truly except incriminating evidences
 -PO may reduce it to writing

- 162. Statements to police not to be signed: Use of statements in evidence**
 Statements not to be signed
 Statements given if duly proved at trial/inquiry may be used to contradict
 Omission may be a contradiction only if its significant
 CL :- Tahsildar Singh vs State of UP, 1959

- 163. No inducement to be offered**
 No PO/Person in authority shall Promise/induce/threaten any witness but cannot prevent statements out of free will

164. Recording of confessions and statements

Section	Jurisdiction	Rank	Send to whom
165	Same jurisdiction	SHO	Self/Sub-ordinate
166	Other Jurisdiction	SIP	Self/ SHO of other PS
166A	To Other Country	I.O/ Superior Officer- Court	Foreign Court
166B	From Other Country	Foreign Court –C.G.- CMM/CJM – MM/JMFC	C.G- Foreign court

- 165-** Same Jurisdiction -SHO-believes-W/o Warrant – record reasons – in person/ sub-ordinate in writing about the material to be searched – Prepare List.
- 166 -** Other Jurisdiction -SIP- SHO, another P.S.- Search & Seize- if delay- evidence vanish – himself – search & seize – but inform to local P.S- List.
- 166A-** Other Country -LR- I.O/Superior Officer- court –Foreign Court- examine witness or collect documents – forward- authenticated copies – through proper channel- treated as evidence.
- 166B-** From other Country - L.R- foreign court- C.G.-CMM/CJM- MM/JMFC- Summon witness/ cause production of documents – Police- investigate- C.G.- court.

Sec 167 Procedure when investigation cannot be completed in twenty-four hours:

1. if investigation not possible in 24hrs- transmit to nearest JM, accused and RCD
2. Any nearest magistrate may authorize detention in such custody as he thinks fit for<=15 days at a time; EM can remand< 7 days

Police Custody- first fifteen days only

Judicial Custody- i) 90 days- if offence punishable with death/Life/10years or more

ii) 60 days – any other

post which default bail if accused is prepared to and does furnish bail.

- CL – 1) CBI vs Anupam J. Kulkarni - CrI. Appeal Nos. 310-311 of 1992
 2) Rakesh Kumar Paul vs Assam, 2018 3) Ramesh Kumar Ravi Vs Bihar, 1987

168. Report of investigation by subordinate police officer to the in-charge officer of PS

169. Release of accused when evidence deficient
By the in charge of PS on bond with/without sureties

170. Cases to be sent to Magistrate, when evidence is sufficient
-Shall forward the accused to the empowered magistrate to try/commit for trial/release on security
-forward weapon or article to magistrate and take bond from witnesses to give evidence when called.

ARREST		
↓		
.....		
↓		↓
No sufficient Evidence(169)		Sufficient Evidence(170)
↓		↓
1. Will not forward the accused to Magistrate 2. Obtain Bond WWO Sureties for appearance before the court		1. if non-bailable-Will forward the accused to Magistrate 2. If Bailable- obtain Sureties for appearance before the before the court 3. Weapon/ Articles will be forwarded. 4. Take Bond from complainant and Witnesses for appearance before the Magistrate
↓		
.....		
↓		↓
Refuses to Execute Bond/ refuses to attend Court (171)		Executes the Bond ↓
↓	
Take into custody	Send Original to Court	Give Copy to Executant
↓		
Send to Magistrate	Magistrate	
↓		
.....		
	↓	↓
	Executes bond	Does not execute Bond
	↓	↓
	Leaves the witness	Sends to Custody

171. Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint
-No restraint/inconvenience/security to be taken from witness
-If witness disobeys, then po can forward him to magistrate and who can detain him until he executes bond/ until the hearing is over

172. Diary of proceedings in investigation
-Investigation details to be entered in a dairy
-criminal courts may send for them not to use as evidence but to aid in inquiry and trial
-neither accused nor his agents can call for such diary

173. Report of police officer on completion of investigation
2(i)- report in the form prescribed by st govt.
8- Further investigation report

Sec 174

1. Police officer – report suspicious deaths – nearest E.M-
Proceed to spot- conduct investigation in presence of two respectable persons – draft a report.
2. Police Officer + Panchas – sign on the report – send it to D.M/ RDO.
3. When, within 7 years of marriage, a woman
Commits suicide
Dies in suspicious circumstances
Their relative complains
There is doubt of her cause of death
Police Officer feels.
Forward the body to nearest civil surgeon- for examination.
4. D.M/ RDO/Tahsildar are empowered to hold inquests.

175. Power to summon persons

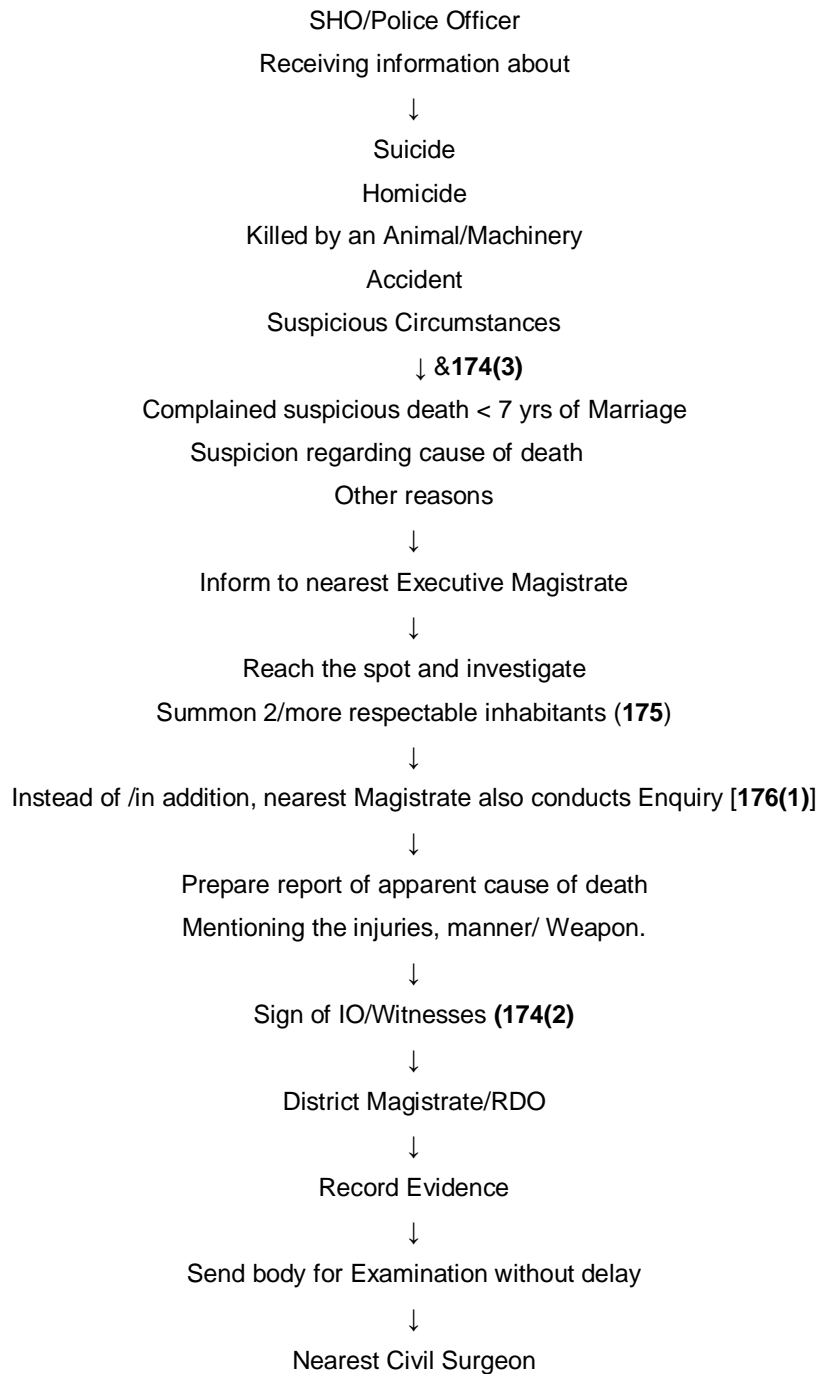
P.O proceeding U/s 174 can summon and the persons summoned are bound to answer

Sec 176

A woman dies by suicide/ Suspicious circumstances- the nearest E.M- shall hold inquest.

- In all other cases by E.M.- enquire into death cause- instead/ in addition to the investigation by Police.
- 1A. Where Rape/Death/Disappearance – while in custody- A Judicial Magistrate – in addition to the investigation done by police.
- Body sent to nearest Civil surgeon- for examination.{Sec 176(5)}
E.M/J.M Shall record evidence.
For the purpose of examining the dead body- it can be exhumed.
Inquiry to be conducted in the presence of Family Members (If traceable).

Sec 174(1)



176 CrPC



CHAPTER XIII

JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS

177. Ordinary place of inquiry and trial

178. Place of inquiry or trial

-uncertain-partly one and partly other-continuing one-several acts in several areas

Any court of any local area involved

179. Offence triable where act is done or consequence ensues.

Any court where act/consequence took place can try

180. Place of trial where act is an offence by reason of relation to other offence

Both courts

181. Place of trial in case of certain offences

-Thug/Dacoity/Murder with thug or dacoity/escaping from custody – where offence took place/where accused was found

-Kidnapping/Abduction – where kidnapped/detained

-Theft/extortion/robbery – Where committed/possessed/received or retained

182. Offences committed by letters, etc

183. Offence committed on journey or voyage.

184. Place of trial for offences triable together

185. 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

187. Power to issue summons or warrant for offence committed beyond local jurisdiction

188. Offence committed outside India

Cognizance cannot be taken unless C.G. Permits

189. Receipt of evidence relating to offences committed outside India

CHAPTER XIV

CONDITIONS REQUISITE FOR INITIATION OF PROCEEDINGS

190. Cognizance of offences by Magistrates.

JMFC/JMSC

Complaint-Police report-report of p.o or own knowledge

CL:- A. C. Aggarwal, Sub-Divisional Magistrate, Delhi and another (In all the Appeals),
Appellants Versus Mst. Ram Kali, etc., Respondents, 1967

191. Transfer on application of the accused

-if U/s190(1)(c) – accused entitled to have another magistrate.

192. Making over of cases to Magistrates

CJM make over to subordinate magistrates

193. Cognizance of offences by Courts of Session

-no cognisance until a magistrate commits the case

194. Additional and Assistant Sessions Judges to try cases made over to them

By sessions court or HC

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

-no cognisance for s 172 to 188 except on a complaint by public servant or his superior officer

-193-196,199,200,205-211,228 IPC if committed in relation to any proceedings in court And s-
463,471,475,476 except a complaint in writing by the court or subordinate officer of court

195A. Procedure for witnesses in case of threatening, etc

CL: Rebeka Vara Prasad Vs State- FIR can be issued and investigated into.

196. Prosecution for offences against the State and for criminal conspiracy to commit such offence

No cognizance

1(a)- chap-6,153A,295A,505(1) except CG/SG sanction

(1A)-153B/505(2)(3) except CG/SG/DM sanction

(2)- 120B(if not punishable by RI -= 2 yrs) except CG/DM sanction

Before sanctions, may order preliminary investigation by P.O. =inspector

197. Prosecution of Judges and public servants

No cognizance while purporting official duty except after sanction of concerned government.

198. Prosecution for offences against marriage

No cognizance u/s chapter XX of IPC except upon a complaint by aggrieved

Proviso- 18yrs, idiot, lunatic, sickness, infirmity, woman (customs)-with leave of court

-Armed forces

-U/s 494,495, relatives of wife can

198A. Prosecution of offences under section 498A of the Indian Penal Code

No cognizance unless-Police report/complaint by aggrieved or her relatives/any blood or marriage or adoption relative with leave of court

198B. Cognizance of offence

No cognizance U/s 376B except upon prima facie satisfaction of court

199. Prosecution for defamation

No cognizance except upon complaint made by the aggrieved

CHAPTER XV
COMPLAINTS TO MAGISTRATES

200. Examination of complainant

Magistrate shall examine the complainant and witnesses on oath-reduced to writing

and signed by witnesses, complainant and magistrate

If public servant examination not required

201. Procedure by Magistrate not competent to take cognizance of the case

202. Postponement of issue of process

Magistrate may either inquire/direct investigation

X investigation if it's a case triable by sessions court, complaint if not by court

203. Dismissal of complaint

CHAPTER XVI

COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES

204. Issue of process

1. Summons in a summons case, summons/warrants in a warrants case
2. Summons or warrants only after list of PWs filed
3. If on a complaint, then accompany them with copy of complaint

205. Magistrate may dispense with personal attendance of accused

May permit him to appear by his pleader-has discretion to have personal attendance at any stage of trial

206. Special summons in cases of petty offence.

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

Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the

Following -Police Report, FIR, 161 (Except the ones which are requested by police to exempt), 164, any other relevant documents of 173(5)

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

Complaint documents u/s 200 and 202,161,164,any docs produced before magistrate on which prosecution relies

209. Commitment of case to Court of Session when offence is triable exclusively by it

Commit after complying 207,208 - remand accused - send the record to the court – notify PP

210. Procedure to be followed when there is a complaint case and police investigation in respect of the same offence

CHAPTER XVII

THE CHARGE

211. Contents of charge

-offence with which accused is charged-Specific name/definition of offence/law and section of law-in language of court

212. Particulars as to time, place and person

213. When manner of committing offence must be stated

If 211 and 212 X sufficient notice, contain particulars of manner of offence

214. Words in charge taken in sense of law under which offence is punishable

215. Effect of errors

216. Court may alter charge

-any court-add,alter before judgement is pronounced-explain to the accused-if trial is not likely immediately, may proceed as if the added charge is the original charge-If likely but prejudice, then may direct new trial or adjourn the trial-in case of sanction for prosecution, no proceed of case until sanction is given

217. Recall of witnesses when charge altered

By both prosecution and accused to recall, re summon and examine w.r.t to alteration/addn-also to

call further witnesses.

218. Separate charges for distinct offences

But magistrate may try together

219. Three offences of same kind within year may be charged together

220. Trial for more than one offence

221. Where it is doubtful what offence has been committed

May be charged with all/any of the offences

222. When offence proved included in offence charged

223. What persons may be charged jointly

224. Withdrawal of remaining charges on conviction on one of several charges

CHAPTER XVIII

TRIAL BEFORE A COURT OF SESSION

225. Trial to be conducted by Public Prosecutor

239

CL:-1. Omkarnath Mishra Vs st(NCT of Delhi)

2. M.R.Hiremath vs State of Karnataka Lokayukta Police station Bengaluru,2019

249- Compounding in absence of complainant (Pvt Complaint)

250 – False accusation – acquittal – SCN –Compensation (2) < 10,000 X SI for 3 days(3) -68 IPC {Remaining SI}/ 69 IPC {Portion of SI} (4)- if Civil case compensation granted -adjust (5) - - Rs 100 – compensation – appeal (6)- After period of appeal(7) – applies to summons and warrant cases (8).



	Sessions Cases Trial (Chap. XVIII)	Warrant Cases Trial (Chap. XIX)		Summons Case Trial Chapter XX)
		On Police Report(A)	OW than on Police Report	
207 Furnishing copies	226 (Opening)	238 (Copies)	244 Evidence for prosecution (= 161 CrPC)	251 Substance accusation
Discharge	227	239	245 – Before/ After	-
Framing of Charge	228	240	246 (1, 2) framed and read over	-
Conviction on plea of guilty	229	241	246 (3)	252 – in per pleader 253 – by post In absence – convict
Prosecution Evidence	230(Schedule) 231(Evidence)	242	246 (4,5,6)	254
Defence Evidence	233	243	247	
Judgment	235	248 { 1- acquittal; 2- Conviction -325, 360 }		255{ 1- acquittal Conviction- 325, 3
	232 – acquittal 234 – arguments			

256 –

Non –appearance of complainant – acquit the accused.

Presence not necessary or represented by Advocate/ agent – dispense with his attendance.

applies even on Death of complainant –

257 – Withdrawal – Amounts to acquittal.

258 – Stop Proceedings – if C.S. not filed upto 6 months – stop the proceedings at any stage.

259 – During trial- summons case- Punishable > 6 months- appears to be tried as warrant case – rehear it.

CHAPTER XXI

SUMMARY TRIALS

260. Power to try summarily

-any CJM/MM/JMFC – may try following summarily

1. X death/LI/>2yrs
2. 379,380,381 if stolen property <=2000Rs
3. 411 if property <=2000
4. 414 -do-
5. 454,456
6. 504,506
7. Abetment or attempt of any of foregoing offences

Magistrate may re-hear in a manner given by this code too.

261. Summary trial by Magistrate of the second class

HC can confer for offences-fine only/<=6months with/without fine/abetment/attempt

262. Procedure for summary trials

Max punishment -<=3months under this chapter.

263. Record in summary trials

Form as st govt may direct

264. Judgment in cases tried summarily

Next date fixed.

265 C- Guidelines for MSD

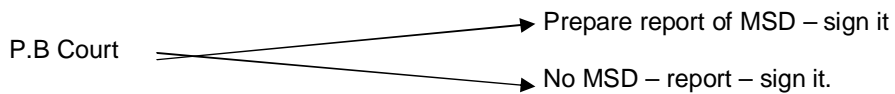
- a. Case instituted on police report – notice to
 - PP
 - IO
 - Victim
 - Accused
 - Accused advocate

To participate in MSD voluntarily

- b. Pvt. Complaint
 - i. Victim
 - ii. Victim Advocate
 - iii. Accused
 - iv. Accused advocate

To participate in MSD voluntarily

265 D – Report of MSD to be submitted before court



265 E – Disposal of the case

- a. Award compensation as per MSD.
- b. Release accused on PO act.
- c. PO not attracted – where Minimum punishment is prescribed for the offence– ½ of it.
- d. In all other cases – ¼ of punishment prescribed for the offence.

265 F – Judgment in above lines.- Probation/ ½ of Minimum Sentence/ ¼ of sentence.

265 G – Final - No Appeal (Except 136, 226, 227 of Indian constitution)

265 H – P.B- court – Power of bail, trial etc.

265 I – Set off – Sec 428

265 J –Non-obstinate clause- overriding effect

265 K – statements not to be used.

265 L – not applicable to juvenile.

266- Detention- included P.D.

267 (1) Answer Charge/ Proceedings/ Witness- Prisoner Summoned.

(2) – II JMFC-can summon on Statement of Facts -countersigned by CJM

268

- 1. Govt- by order –not to remove prisoner.
 - 2. Public safety / interests – Terrorist.
- } Public Order

269

- 1. Jailor cannot execute- reasons communicated
Sickness
Accused under committal for trial.
Time expired before production.
Orders in Sec 268.
Abstain if > 25 KMs

270 – Prisoner to be brought in custody.

271 – Commission to record evidence inside jail – 284.

	446, 145-148 Summons 274	Warrant 275	Warrant 276
Memo	✓	X	X
Narrative	X	✓	✓
Q & A	X	✓	✓
Self	✓	✓	✓
Reasons for dictation	✓	✓	X
AV methods	X	✓	X

Chapter XXIII

A

272- Language of Court- State Government

273- Evidence to be taken in presence of accused-dispersed (205, 317) / Pleader

Sexual offence < 18 yrs female X Accused not to be seen

274- Record in Summons cases & Inquiries

145- 148- dispute of land, water etc.

145- Bond 197 to 111 forfeiture proceedings

Memorandum only- Self or dictate – Signed by Magistrate

275 - Record in Warrant Cases

As deposed – self or dictate- writing – sign of witness & endorsement by Magistrate.

AV Methods – presence of Accused Counsel

Narrative or Q & A form

276- Record in Sessions Case. - AV Methods X

277- 275 & 276 in Language of Court

Other language evidence translate – Proviso –(c) English

278- 275 & 276 read over to witness- in language

Witness desires any re careful statement- Magistrate makes a memorandum (X convict) –
Remarks

279- Other language evidence

if accused present – translated to him

Not understood by

If by Pleader present – translated to Pleader

Accused/Pleader

280- Remarks of demeanour of witness

281- Evidence of Accused- Memorandums by JMFC- Receded in full by other than JMFC

282- Interpreter bound to interpret truthfully.

283- Record in High Court- H.C.Rules.

B

Commission for the examination of witnesses

284- Delay }
Expense } Unreasonable – Commission

In convenience

President/V.P/Governor/Administrator of U.T.

(2) Amount of commission by prosecution

285- to whom issued-

CJM/CMM- witness

In India/X CrPC- court/Central Government Officer

Outside India- arrangement MLAT- prescribed by C.G

286- Execution of Commission- CJM- JMFC- Summon witness- same manner as in warrant cases.

287- Parties may examine witnesses-

Forward any interrogatories- Magistrate/officer to ask them

May also appear in person/pleader (if not in custody)

288- Return of Commission

Warrant returned along with deposition – sent back to Magistrate issuing commission- treated as evidence.

Sec.33- may be used

Deal, cannot be found, in capable kept away by adverse party

289- Adjournment for commission execution

290- foreign commission- 284, 286, 287 & 288 apply

291. Deposition of medical witness

Civil surgeon or any medical witness at the time of inquiry trial or other proceeding

Court may(if it thinks fit) and shall on appln of prosecution/accused must summon medical witness to depose.

292. Evidence of officers of the Mint

293. Reports of certain Government scientific experts

-Report may be used as evidence in inquiry/trial/other proceeding

-Court may summon and examine such expert

-Expert can depute any officer, conversant with facts

294. No formal proof of certain documents

295. Affidavit in proof of conduct of public servants

296. Evidence of formal character on affidavit

297. Authorities before whom affidavits may be sworn

298. Previous conviction or acquittal how proved

299. Record of evidence in absence of accused

If absconded/no prospect of arrest

300-

1. Convicted or acquitted X tried again for some or different charge made out from convicted/request charge- 448-381
2. State Government permission to try again- for different charge not forming part of earlier charge- 354/376
3. Consequence happens after wards- not known to court- retried- 338- discharged- C.S filed –admitted- victim dead- 304A- retrial
4. Court not compliant to try the offence 21 MMDR Act + 379-
5. Discharge 258- Subsequent evidence- permission of court- retrial
6. 26 General clauses Act & Sec.188 CrPC

301. Appearance by Public Prosecutors

PP/APP to represent- if pvt person instructs pleader, he shall act under instructions of PP/APP- may submit written arguments post closure of evidence with permission of court

CL- Thakur Ram vs St of Bihar,1996

302. Permission to conduct prosecution

May permit any person who is not a police officer but permission of court is mandatory. Post which can do personally or through a pleader.

CL: Rekha Murraka Vs State of West Bengal.

303- Right of Accused to be defended –Pleader of his choice

304- Legal aid- Indigent – Court to appoint- panel prep by rules of High court

305. Procedure when corporation or registered society is an accused

Corporation = Incorporated company/body corporate/society U societies regn act 1860

306- Tender of Pardon to accomplice-

CJM/MM- at any stage –Investigation/Inquiry/trial-tender a pardon to co-accused-to get evidence regd other accused-

- o full and true disclosure.

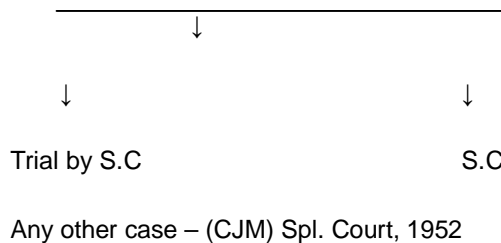
(2) applies to –(a) sessions cases (b) CrI. Amendment Act, 1952

(3) record reasons – copy to accused – accept/reject free of cost

(4) Examination as witness in Magistrate Court & Subsequent trial

- o if on bail –continue or detained in custody till termination of trial

(5) May-commit it for trial –



307- Committal court also empowered to tender pardon

308- Trial of a person not complying with conditions of pardon:-

PP- Certifies- Person- not revealing entire truth/giving false evidence/not complying with condition for Pardon X Pardon & tried for → that offence & also for giving false evidence

(2) Statement made by him can be used against him.

(3) Prosecution to prove non-compliance – accused examined-in S.C. before charge- In M.C. before evidence

(4) if accused pleads he has complied



Trial- decide Accused complied or not- Pass Judgment accordingly

Sec 309- Power to postpone or adjourn proceedings

Day to day – until all witnesses are examined – next day – Sexual offences <2 Months trial.
Postpone or adjourn – on terms → Conditions

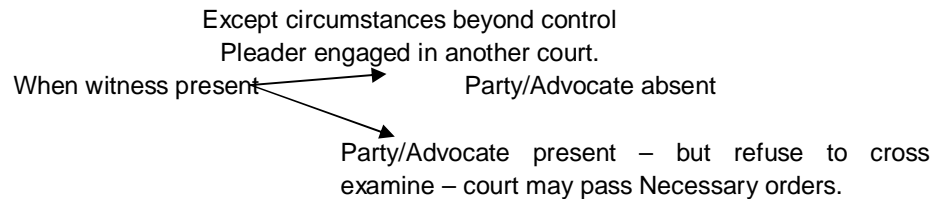
Costs

May remand accused if in custody < 15 days.

When witness present – No adjournment.

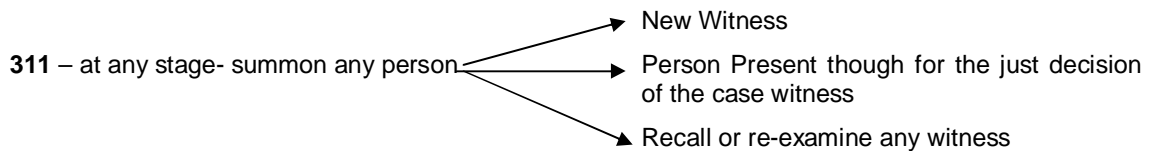
No adjournment to Sessions court against the sentence.

No adjournment



310 – Local Inspection

Judge at any stage – personally inspect the Scene of Crime- record the memo- forms part of record/ copy given free of cost to parties.



311A – Specimen Signatures or handwritings

Disputed

Admitted

Specimen

312 – S.G- rules – Expenses to Complainant and witnesses for attending the court.

313- Power to examine accused –

at any stage previous warning

After prosecution evidence

Attendance dispensed in summons case- 313 examination dispense

No oath

Accused can refuse / false answers- no prosecution

Answers- used for or against accused in some /other case

Help of prosecutor /defence- prepare questions – in written statement before conclusion of oral aspects- submit WA- from part of record- copy to o/s- No adjournment only for filing W.A Court can restrict oral arguments – *Brahmenanda Reddy vs.State of A.P.*

314. Oral arguments and memorandum of arguments

315- (1) Accused competent person- Oath

On his request

Failure to give evidence X No presumption on ground of not giving evidence.

(2) Sec.98, 107 to 110, Chapter-IX- 125-128

(a) & (b) Chapter- X- Public nuisance- 129-148

316- No influence, threat or otherwise – reveal or withhold

317- Mag-feels –personal attendance X Necessary disturbance- represented by pleader- dispense with attendance till next day- not represented by pleader- adjourn- split up

318- Accused does not understand proceedings due to unsoundness- Proceed with trial- conviction- send to High Court –pass orders.

319- Involvement of any person- not accused- have to proceed against him-Summoned/ appears/ arrested- tried afresh but deemed charged along with others

320- CrPC

Persons mentioned in 3rd Column can compound the offences in Col.No.1&2

With permission of court

Abetment/attempt, 34, 149 IPC

A) Compounding person < 18 yrs/idiot/lunatic-guardian/ competent person

B) Compounding person =deal- legal representative

5) Committed for trial- Appeal → Permission of that court

6) High Court or Sessions Court- Revision –allow compounding

7) Previous conviction- Enhanced punishment X Compounding

8) Acquitted

Against

All

9) Compounding only as per this section

B.Vinod Kumar vs State of AP,2003 CrLP 4868 of 2003 (ancillary offences 3 &4 Dowry Prohibition act compoundable when parties compounded the main offence)

321- < Judgment –Consent of Court- Withdraw- one/more offence

Before charge = Discharge

After charge = Acquittal

Law relating union power extends

Delhi Special Police establishment

Misappropriation or destruction or damage of Central Government Property

Central Government employee –PP- C.G only- Permission copy.

Appeal- L.C. order aggrieved S.C

- 322-** Procedure when Magistrate cannot dispose case
- No Jurisdiction
 - Case- tried by other Mag
 - Should be tried by CJM

Inquiry /trial – Send file along with note to such court

(2) Submitted court – try itself / ref. to subordinate Mag. For trial

323- After commencement of trial /inquiry- Magistrate finds case should be committed

324- Previously convicted of coinage, stamp or property > 3 yrs- Mag. May send the case to CJM / Sessions Court- along with other accused (1st times)

325- Magistrate cannot pass adequate severe punishment → CJM- along with other accused- CJM recall, examine witnesses

326- Conviction or commitment on evidence partly recorded by one Judge or Magistrate and partly by another.

On transfer of case / Judge

If felt can recall & re-examine

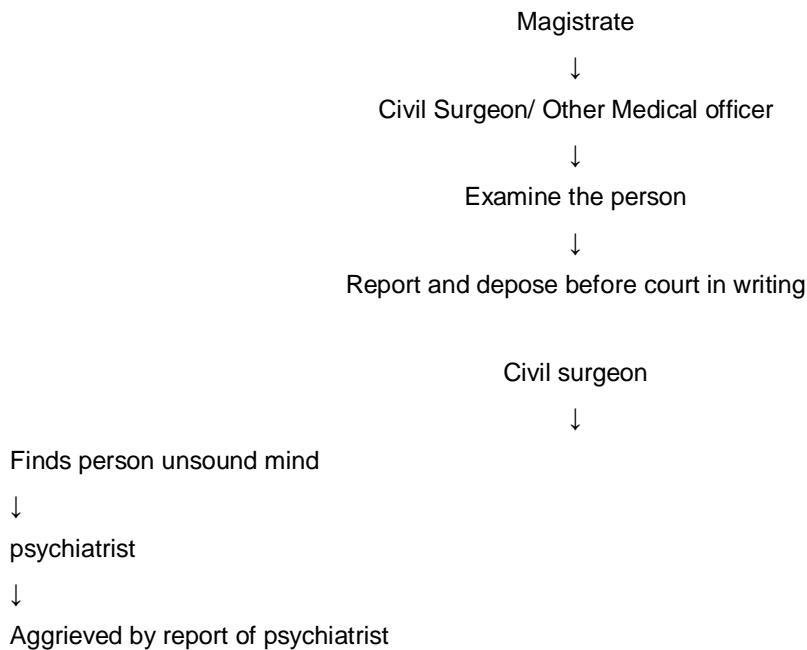
327- Court to be open → but presiding Judge can retrain

(2) – Sexual offences- In Camera- Woman Judge / Magistrate- allow other person named by either partly

(3) 228A IPC- Subject to confidentiality

XXV- 328-339- Unsound mind

328. Procedure in case of accused being lunatic.



Person may prefer appeal to Medical Board

↓

(3) if accused is of unsoundness of mind

Magistrate - shall examine –prosecution witnesses- hear the advocate of the accused but without questioning the accused - discharge if no prima facie case.

Provided that if the Magistrate finds that a prima facie case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the proceeding for such period, as in the opinion of the psychiatrist or clinical psychologist, is required for the treatment of the accused, and order the accused to be dealt with as provided under section 330.

(4) If such Magistrate is informed that the person referred to in sub-section (1A) is a person with mental retardation, the Magistrate shall further determine whether the mental retardation renders the accused incapable of entering defence, and if the accused is found so incapable, the Magistrate shall order closure of the inquiry and deal with the accused in the manner provided under section 330.]

- 329. Procedure in case of person of unsound mind tried before Court.
- 330. Release of person of unsound mind pending investigation or trial.
- 331. Resumption of inquiry or trial.
- 332. Procedure on accused appearing before Magistrate or Court.
- 333. When accused appears to have been of sound mind.
- 334. Judgment of acquittal on ground of unsoundness of mind.
- 335. Person acquitted on such ground to be detained in safe custody.
- 336. Power of State Government to empower officer-in-charge to discharge.
- 337. Procedure where lunatic prisoner is reported capable of making his defence.
- 338. Procedure where lunatic detained is declared fit to be released.
- 339. Delivery of lunatic to care of relative or friend.

XXVI-Administration of Justice

340- Cases falling u/sec.195 CrPC- 195 (1) (b)- Custodia legis / perjury – enquire- record a finding – complaint – send to other JMFC- take security from person for appearance / if NB- Custody

(2) Superior court – can take above stages- when no complaint lodged by the court

(3) Complaint to be signed by

- Such officer – H.C. Complaint
- Such officer – authorized by such other courts

341- Appeal

```

  graph LR
    A[341- Appeal] --> B[Mag. Not making complaint]
    A --> C[Mag made a complaint]
    B --> D[Withdrawal /Confirm- final]
    C --> D
  
```

342- Power to order costs → 340 or 341 → Costs

343- Procedure – Cases instituted on Police report procedure

If appeal pending – case adjourned to all other appeal dispensed

344- Summary procedure for trial for giving false evidence → Summary trial

3 months / Rs.500/- both

Appeal / Revision till disposed.

345- >200/ IDSI<1m= if offence is committed in person of civil, criminal or revenue court- SAME DAY IMPOSE PUNISHMENTS- 178, 179, 180, 228

346- 345 – applied- court take security to appear before- sent court= Police report

347- Registrar or Sub-Registrar = Civil court. For 345 & 346

348- Courts discretion- discharge / remit on complying or ten during an Apologies

349- < 7 days if refuse to produce document + also 345, 346

350- <Rs.100/- ≠ refusing to attend on summons= summary trial procedure

351- Appeal- 344, 345, 349 & 350= Appellate Court

352- When offence committed before him ≠ sit as Judge

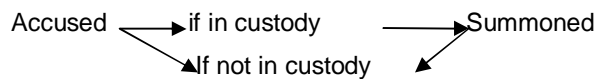
Chapter-XXVII

353- Judgment → Pronounced in open court- immediately or after notice to parties on some other day – read out- full / part / operative portion transcript

(2) Sign on each paper and write date of judgment type writing

(3)

(4) Given free of cost to parties / pleaders



>1 accused, pronounce in order to avoid unnecessary delays

(7) No illegality

(8) Error, omission or irregularity applies Sec.465

354- Language and contents of judgment- reasons conviction- Acquittal

Which penal provision which express doubt of which charge applicable

(3) Spl. Reason for awarding death sentence- Rarest of Rare cases

(4) Less punishment- reasons- Summary trial or till rising of court

(5) death sentence- hanged till death

E.M shall also state reasons

355- M.M. Judgment → SI.No; date of offence, name of complainant, accused, complainant , contents, place of accused, final order, date of order

356 – Order for notifying address of previously convicted offender

Punishment > 3 yrs – again conviction – judgment – inform address or change in addition < 5 yrs after release from prison.

In Appeal- acquittal – X

357 – Order to pay compensation

Fine forms part of conviction

Costs of prosecution

Loss/ injury compensation – when recoverable in civil cases (OP)

Death compensation – when recoverable under Fatal Accident Act, 1855.

Compensation to bonafide purchaser – theft/MOP/CBT property purchaser W/O notice of offence.

Payment only after Appeal time.

Fine does not form part of conviction – discretion of Magistrate –

Appellate court / High Court can also order compensation.

Adjust any amount already received as compensation.

357A – Victim Compensation Scheme- When Compensation granted by court is felt inadequate- recommend to DLSA.

357B – Compensation in addition to fined u/sec. 326 A, 376D IPC.

357C – treatment of victims- hospitals- provide immediate first aid- inform to police.

358 – Compensation for groundlessly arrested – Rs. 1000 fine- not paid- < 30 days.

359- Order to pay costs in non-cognizable cases X < 30 days.

360 - < 21 yrs/ Woman - release on bond< 3 yrs – surveillance.
< 7 yrs / life or death

361- Reasons for not applying 360 – to be mentioned.

362 – Court not to alter judgment- except clerical & Arithmetical errors.

363 – Copy of judgment given to accused.

364- Judgment to be translated if it is not in language of the court or accused does not understand it.

365- Court of sessions to send copy of finding and sentence to DM.

XXVIII

366 – Sentence of death by Sessions court to be submitted to H.C.

367 – H.C. can in 366 cases take further evidence.

368- H.C. - confirm/annul

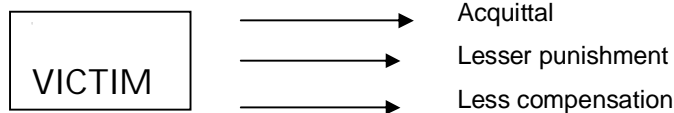
369- Confirmation to be signed by two judges.

370- Difference of opinion – 392.

371 – H.C- order- Sessions Court.

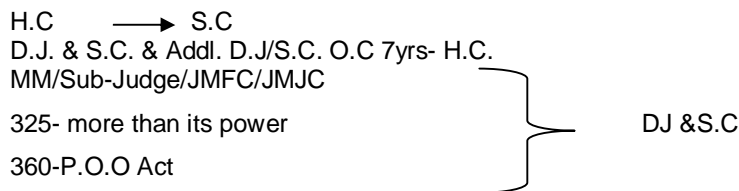
APPEAL

372- No Appeal to lie unless otherwise provided



373- Appeal- bind over cases – Sessions Court.

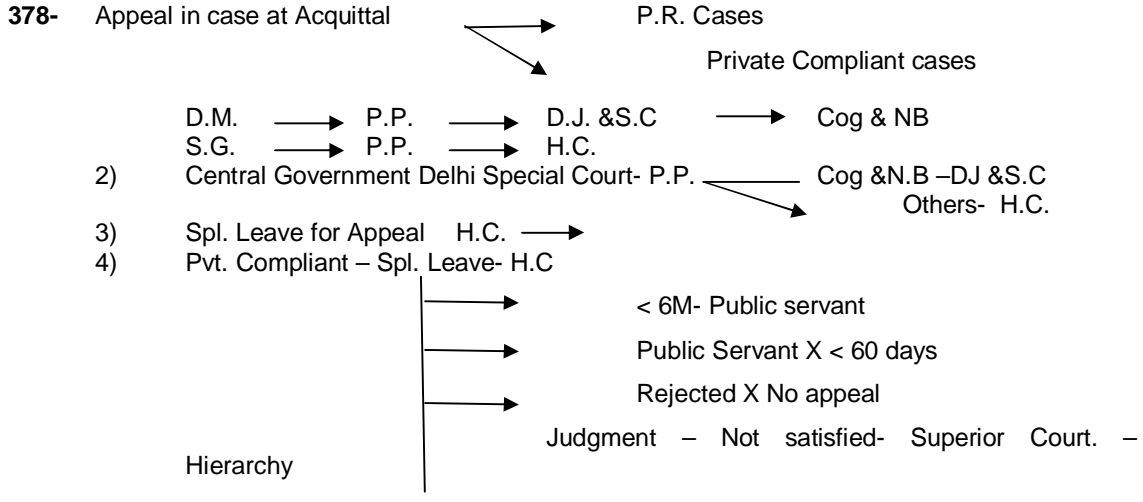
374- Appeal from convictions- hierarchy



375- No appeal when accused pleads guilty.

376- No appeal in petty cases
 H.C < 6M/ 1000/ both
 O.C- < 3 M/200/ both.
 Mag < 100
 Summary trial < 200

377- Appeal by S.G/C.G.



379- Appeal against Conviction by High Court in certain cases
 On Appeal – H.C- Convicted– Life/death/> 10 yrs- Appeal to S.C.

380- Spl. Right to appeal
 More accused- one accused prefers appeal.

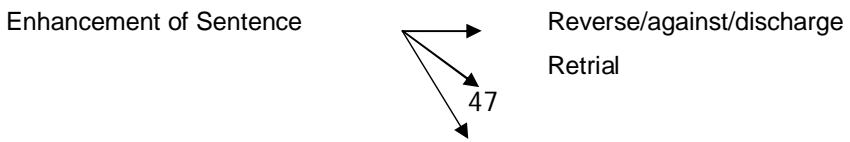
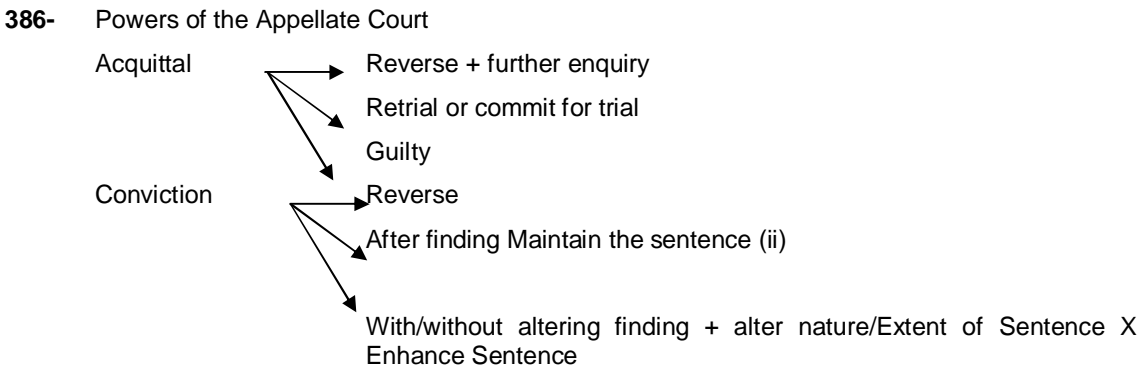
381 – Sessions court – Made over to - Adtl or Asst Sessions courts.
 JMSC – CJM/ Asst. Sessions Court.

382- Appeal petition – Form & to accompany all docts.

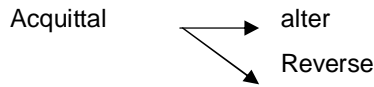
383 – Appellant in Jail- through Jailor.

384 -Summary dismissal of Appeal- no sufficient grounds.

385- Appeal- Not dismissed summarily- notice – time 7 Place of hearing.

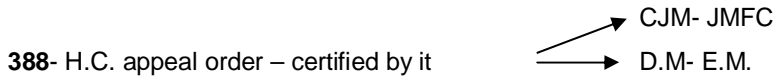


Above



X No enhancement unless opportunity to accused

387- Rules of Judgment – apply to appeals also- but court can dispense attendance of accused.



389 – Suspension of sentence pending the appeal- release of appellant on bail :-

Unless PP is heard – cases in which accused convicted for life/ death/ > 10 years
PP can apply for cancellation of bail.

First Appellate court/ HC- can grant bail till appeal is decided. Even if accused was on bail through out the case (3) or was in jail (1).

390 – Arrest of accused for production of accused before appellate court.

391- Further evidence.

392- Diff of opinion- 3rd Judge.

393- Appeal judgment- final.

394- Abatement of Appeals- Except fine- abate

395- Reference to High Court:- By court –regd law- Act/Regulation/question of Law- H.C.

396- Case disposed as per reference order of H.C.

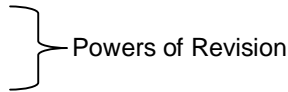
397- Revision – X interlocutory order- H.C/Sessions- call for records – Correction/ legality/ regularity.

398- H.C./Sessions Court- direct CJM- enquire – self/ Sub-ordinate- dismissal u/sec. 203/204(4)- for process not paid- Discharged- accused to be heard.

399- Sessions court -

400- Addl. Sessions Court-

401- High Court –

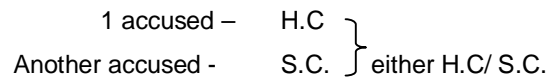


No power to convert acquittal to conviction.

Where appeal provision lies- no revision.

If revision filed by mistake- converted to Appeal.

402- Power of High court to withdraw or transfer cases.



403- no right of hearing in person/ pleader.

404- Magistrate- may give note of his reasons to H.C- while sending the file for revision.

405- H.C's order to be certified.

Chapter XXXI

	406	407	408
Court	Supreme Court	High Court	Sessions Court
	From 1 HC – other HC	From 1 SC – other SC	From 1 court to another

Procedure Affidavit + Petition Suomoto/ Appl. Of Party/ Lower court Rep.	✓(2) ✓	✓(3) ✓(2)	✓ ✓
Government	No Affidavit & Petition If filed by Attorney General (2)	No Affidavit & Petition If filed by Advocate General (3)	No Affidavit & Petition
Vexatious/ Frivolous	Costs and Compensation (3)	Costs and Compensation (7)	Costs and Compensation (7)
Bond W/WO Sureties Compensation		✓ (4)	✓
197 Sanction not effected		✓(9)	✓
Notice to PP		24 hrs prior (5)	24 hours Prior

1.

- a. fair & impartial.
- b. question of law
- c. convenience of parties.

6. Stay of Lower Court proceedings

	409	410	411
	Sessions Judge	Chief Judicial Magistrate	D.M/ RDO
Withdraw/ recall/ hear self/ make over	From ASJ/ CJM/ ADJ/ SJ	Judicial Magistrate	Sub-ordinate magistrate

412 – reasons to be recorded for transfer.

XXXII

Execution, Suspension, Remission and Commutation of sentences

413- Sessions Court- receiving confirmation orders from HC- execute it by issuing warrant.

414 – Sessions court – receiving death sentence order from H.C – executes it by issuing warrant.

415- Postponement of execution of sentence – providing time to prefer appeal or pending appeal.

416 – postponement of capital sentence on pregnant woman – convert to life also.

B- Imprisonment

417- Power to appoint place of imprisonment- Civil ↔ Criminal.

418 – execution of sentence of imprisonment

Send warrant of Jail

Till rising of court- X warrant

IF accused absent – warrant for his arrest – forward to jail.

419- Warrant for execution addressed to Jail.

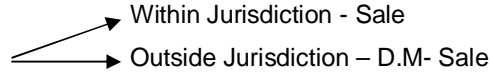
420- Warrant lodged with Jailor.

C- Levy of Fine

421 –

- a. By attachment & Sale of Movable Property
- b. Warrant to recover as land revenue by sale of movable or immovable property or both – D.M.

IDSI- already suffered – Fine X warrant other amounts ✓

422- if Movable Property 

423 – Where code does not extend – D.M.- Land Revenue.

424 – Suspension of execution of imprisonment

IDSI – Fine not paid -< 30 days of order – either in full or 2/3 installments

(b) bond W/ W.O sureties - IDSI

D. General Provisions

425 – Magistrate may issue warrant – Magistrate/ Judge/ successor

426 – Sentence on escaped convict when to take effect , punishment for escaping.

427 – sentence concurrently unless mentioned specifically.

428 –Set off – period of detention during inquiry, trial, proceeding – X IDSI.

429 –savings – IDSI- after II Conviction.

430- warrant – returned to court – with endorsement of execution.

431 – Money ordered recoverable as fined- even if such amount is not mentioned as fine – in addition to fine.

Suspend

432 – power to suspend or remit sentences – Govt.

2. Govt – take opinion of convicting judge – on record.
3. Govt canel suspension or remit – any condition not fulfilled.

433- Power to commute sentence

Death – any sentence

Life – 14 years

RI – SI or fine

SI - fine

434 – Concurrent power of C.G. in case of death senence

435 – S.G. to act after consultation with C.G.

DSPE/ MOP. Damage to C.G- Property/ C.G. employee.

Suspension, remission – by S.G.- effect in above cases only after confirmation from C.G.

436 - Bail in Bailable offence

- Other than Non-bailable
- Police/court- can grant bail- W/WO sureties.
- Indigent – unable to give bail within 1 week- discharge on personal bond W/WO Sureties.
- Default of conditions- II time – bail is refused – Sureties/ Bond amount- payment.

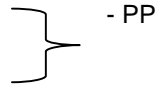
436 A

- Maximum period a under-trial
 - Investigation/ Inquiry/ Trial X Death – undergoes ½ punishment – released on bond W/WO Sureties.
 - PP- in writing opposes- bail W/WO sureties- instead of bond.
 - Served Max. period of punishment – no detention.
 - Delay occurred due to accused- such period not counted.

437- NB

- Police/Court X H.C/Sessions Court- bail w/wo. sureties
- Exception

- (i) death /life hierarchy
- (ii) Previously convict life/>7yrs
- (iii) Previously convict >3yrs to 7 yrs- 2 or more imprisonment



Exp to Exp (i) & (ii) → 16yrs /woman/sick/infirm

TIP pending X ground- but conditions can be imposed

(2) opinion Accused X NB offence- but further enquiring Pending- bail w/wo sureties

(3) Chapter VI (State) XVI (human body) XVII (Prop)

Abetment/conspiracy/attempt-Condition of bail)

Attend

Not to commit similar offence

No inducement/threat/promise to WIT

Tamper evidence other conditions

(4) Reasons for bail

(5) Cancel bail- alter, amend

(6) NB case trial < 60 days in MM Court-bail W/surety

(7) NB case concluded < Judgment- Accused not guilty-bail w/o sureties

437A-

< Conclusion of trial /Appeal-bail w/bonds- appear before appellate court -6M-fails forfeit arrest

438- Anticipatory Bail.

< Arrest in NB CASE :H.C./Sessions Court-bail in event of arrest

Nature & gravity of accusation

Antecedents- Previous conviction etc

Abscond to Abroad possibility

False accusation – injure reputation-reject/interim order – X in order –SHO-arrest

IA- Interim order- notice- <7 days from order- SP/PP hear

IB- PP Appeal - for presence of Accused during final hearing of AB

(2) Conditions in AB

(i) available for interrogation

(ii) No tamper – threat/ind/promise

(iii) Not leave India

(3) Alter AB- Arrest –bail- May m issue BW

(4) No AB in Sexual offences 376(3), AB, BN, DB

Sushila Agarwal Vs UOI

439- H.C./Sessions Court- Conditions 437 (3)

Modify set-aside L.C. bail conditions

Liable by sessions court /life-

376(3), AB, DA, DB- N to PP-15days

IA- Presence of Accused mandatory

(2) cancel bail

440 –Amount of Bond and reduction thereof

Should be

based on circumstances and

not excessive

H.C./ Sessions Court – can reduce bail.

441A – Declaration by sureties

Should declare as to how many accused, he had stood as surety.

442. Discharge from custody

Accused to be released once the bond is executed and if in jail, on admitting bail he shall be released by the incharge of the jail, on such orders from magistrate.

443 – Order sufficient bail when first taken is insufficient.

When bail produced is insufficient

- Fraud , mistake or OW

- Became insufficient later.

- Order accused to be brought & sent to custody, if new sufficient bail is not produced.

444 – Discharge of Sureties.

Surety can apply for discharge. – Court issues warrant to the accused -appears- discharge - Direct fresh sureties - X jail.

445 – Deposit instead of recognizance – deposit amount/ Govt. DPN.

446 –Procedure when bond has been forfeited.

Court/ transferred court/ JMFC – satisfied that bond is forfeited – SCN to pay amount of bond.

Then recover the amount of bond as fine. If not recovered- Imprisonment for 6 months.

Court can restrict and recover only part of the fine.

Surety dies before forfeiture – his estate will be discharged.

CC of Judgment is sufficient to prove the breach of bond U/Sec. 106, 117,360.

446A – Cancellation of bond and bail bond.

- Forfeited for breach of condition.

1. Bond & Sureties shall stand cancelled.

2. Thereafter not to be released on personal bond- fresh bonds to be taken.

447 – Insolvency or death of surety/ forfeiture of bond.

-Fresh sureties can be taken for same amount.

448 – Minor

- Court/police can accept bond of minor- but forfeiture only of amount.

449. Appeal from orders under section 446

-Magistrate -- sessions judge

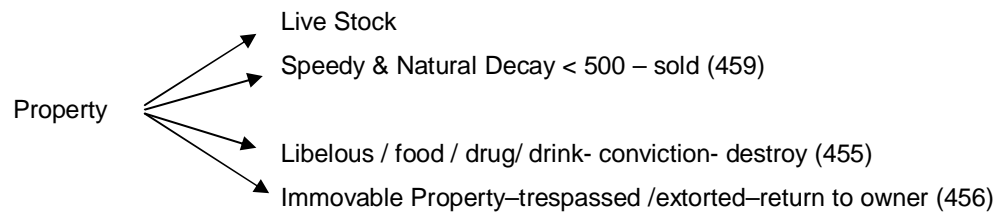
-sessions court -- to the Court to which an appeal lies from an order made by such Court.

450. Power to direct levy of amount due on certain recognizances

Disposal of Property Ch-XXXIV

451- during pendency of case , **452-** after conclusion of case

Police to report seized property (incl Documents, Converted Property) - Court (457)



453 –Innocent Purchaser – on conviction and restoration of property to original owner – pay to innocent purchaser (Muthoot finance Example)

454 – Appeal –Appellate Court – Stay of custody of property – modify / annul/ alter.

3 – during revision/ appeal – court – modify / annul/ alter.

Claimant appears – give

Does not appear < 6 M –kept at S.G. disposal – sold.

➤ Sunderbhai Ambalal Desai Vs State of Gujarat.

➤ Usha Devi Vs Pawan Kumar

➤ General Insurance Council & Ors. vs State of Andhra Pradesh & Ors. 2010

455. Destruction of libellous and other matter

➤ 292,293,501,502- court may order destruction of documents in court/accused custody

➤ 272,273,274,275-food/drink/drug/medicine to be destroyed

456. Power to restore possession of immovable property

457. Procedure by police upon seizure of property

- If property not produced before court then delivery to person or to court if person not established
- If person known, then to him on condition and if unknown proclamation and to esth within 6months

458. Procedure where no claimant appears within six months

- court may order to be at disposal of st govt and it intum may sell and proceeds to be dealt as prescribed
- Appeal to lie to the court to which appeal generally lies in case of conviction

459. Power to sell perishable property

If person absent or unknown and is perishable, magistrate may direct to sell if its for benefit of the owner/<500Rs

XXXV – Irregular Proceedings

TRIAL

- 460** – Illegal search- warrant, order to investigate non-cognizable offence, inquest U/sec. 176 CrPC, 190(1)(a)(b), tender Pardon- DOES NOT VITIATE
- 461-** Postal & Telegraph Search, Bindover Process, Maintenance proceedings etc. – VITIATE.
- 462-** unless shown to occasion a failure of justice – proceedings in wrong place – DOES NOT VITIATE TRAIL.
- 463** – Court taking evidence of non-compliance in recording statement of 164 or 281
 - Prejudice - Reject
 - No prejudice – accept
- 464** – effect of omission to frame or absence of or error in charge – unless failure of justice – not invalid. – frame charge/ new trail – if felt failure of justice.
- 465** – irregularity in sanction – failure of justice – consider delay in raising the issue.
- 466** – defect or error not to make attachment unlawful.

XXXVI- LIMITATION

467 – Period of limitation – defined in sec 468

468- Time for filing charge-sheet

Nature of Offence	Period of limitation for taking cognizance
1. Punishable with fine	6 months
2. Imprisonment upto 1 year	1 year
3. Imprisonment upto 3 years	3 years
4. Imprisonment > 3 years	No Limitation.

In case of 2 or more charges, the charge punishable with more punishment will decide the limitation.

469- Commencement of Limitation.

- On date of offence
- If date of offence is Unknown – on the day when it is known.
- On date of knowledge of identity of the offender by Police.
- The starting day is excluded when counting.

470- Exclusion of time

- Bonafidely prosecution in a Wrong forum/Wrong court
- Stayed by court.
- Time taken for sanction.
- Accused avoiding arrest /absconding/ abroad.

Asian resurfacing of Road agency Vs UOI

471 – Exclusion of date on which court closed.

472 – Continuing offence – no limitation.

473 – If delay is satisfactorily explained, the Court may condone the delay and extend the limitation time.

XXXVI- Miscellaneous

474- Trials before High Court – Sessions Court trial

475 – Delivery of persons liable to be tried by court-martial- to the commanding officer.

476- forms

477- Power of High Court to make rules.

478- Power to alter functions allocated to D.M in certain cases – S.G. empowered by legislative assembly – In consultation with H.C.

479- Case in which judge or magistrate is personally interested

– cannot try/ commit.

- Cannot sit in appeal of a case tried by him.

480- Practising pleader not to sit as Magistrate in certain courts – where he practices.

481- Public servant concerned in sale not to purchase or bid for the property.

482- inherent powers of High Court.

483- High Court duty to supervise sub-ordinate courts.

484 – Repeal and Savings. 1898 Act.

THE INDIAN EVIDENCE ACT, 1872

PART-I
RELEVANCY OF FACTS

Chapter-II The Relevancy of Facts		Admissions	Statements	
<p>[Sec.5] Evidence may be given in any suit or proceedings of the existence or non-existence of every fact in issue</p> <p>[Sec.6] Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant,</p> <p>[Sec.7] Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or relevant</p> <p>[Sec.8] Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.</p>	<p>[Sec.12] In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded, is relevant.</p> <p>[Sec.14] Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.</p>	<p>[Sec.17] An admission is a statement, oral or documentary which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons</p> <p>[Sec.18] Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions</p> <p>[Sec.20] Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions</p> <p>[Sec.21] Admissions are relevant and may be proved as against the person who makes them, or his representative in interest;</p> <p>[Sec.22] Oral admissions as to the contents of a document are not relevant,</p> <p>[Sec.25] No confession made to a police officer¹, shall be proved as against a person accused of any offence</p>	<p>[Sec.32] Statements, written or verbal, of relevant facts made by a person who is dead, themselves relevant facts, when it relates to cause of death. when is made in course of business</p> <p>[Sec.33] Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it, is relevant,</p> <p>[Sec.34] Entries in books of accounts including those maintained in an electronic form</p> <p>[Sec.35] An entry in any public or other official book, register or record or an electronic record], stating a fact in issue or relevant fact is itself a relevant</p>	<p>[Sec.37] When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament is relevant</p> <p>[Sec.38] When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed unless the authority is relevant.</p> <p>[Sec.39] When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or is contained in part of electronic record or of a connected series of letters or papers, evidence shall be given of so much and no more of the</p>

**Part-I
RELEVANCY OF FACTS**

↓ Judgments	↓ Opinions	↓ Character
↓ [Sec.40] The existence of any Judgment, order or decree which by law prevents any Court from taking cognizance of a suit of holding a trial, is a relevant fact [Sec.42] Judgment, orders of decrees are relevant if they relate to matters of a public nature relevant to the enquiry but such judgments, orders or decrees are not conclusive proof of that which they state	↓ [Sec.45] When the Court has to form an opinion upon a point of foreign law, or of science or art, the opinions upon that point or persons specially skilled in such foreign law, or of science or art, are relevant facts. Such person are called experts [Sec.46] Facts not otherwise relevant, are relevant if they support or are in consistent with the opinions of experts, when such opinion are relevant	↓ [Sec.52] In civil cases the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him is irrelevant, expert in so far as such character appears from facts otherwise relevant [Sec.53 & 53-A] In criminal proceedings the fact that the person accused is of a good character is relevant Evidence of character or previous sexual experience not relevant in certain cases

**PART-II
PROOF**

↓ CHAPTER-III FACTS WHICH NEED NOT BE PROVED	↓ CHAPTER-IV ORAL EVIDENCE
↓ Sec.56 No fact of which the Court will take Judicial notice need be proved Sec.57 The Court shall take Judicial notice of all laws in force in the territory of India Sec.58 No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing	↓ Sec.59 All facts, except the contents of documents, may be proved by oral evidence Sec.60 Oral evidence must, in all cases whatever, be direct, if it refers to a fact which could be seen, it must be the evidence of witness who says he saw it.

**PART-II
PROOF**

CHAPTER-V DOCUMENTARY		Public Documents	Presumptions as to Documents		CHAPTER.VI Exclusion of Oral by Documentary Evidence
<p>[Sec.61] The contents of documents may be proved either by primary or by secondary evidence.</p> <p>[Sec.62] Primary evidence means the document itself produced for the inspection of the Court</p> <p>[Sec.63] Secondary evidence means Certified copies Counterparts of documents Oral accounts of the contents of a document given by some person who has himself seen it</p> <p>[Sec.64] Documents must be proved by primary evidence except in the cases hereinafter mentioned.</p> <p>[Sec.65] Secondary evidence may be given of the existence, condition, or contents of a document when the original is of such a nature as not to be easily movable; amongst other cases outlined in sec.65</p>	<p>[Sec.66] Any information contained in a an electronic record which is printed in a paper, stored recorded or copied in optical or magnetic media produced by a computer shall be admissible</p> <p>[Sec.67] If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.</p> <p>[Sec.72] If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.</p>	<p>Sec.74] Documents forming the acts, or records of the acts of the sovereign authority, official bodies and tribunals, etc. are public documents</p> <p>[Sec.77] Certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.</p>	<p>[Sec.79] shall presume (genuine) every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact</p> <p>[Sec.81] Court shall presume the genuineness of every document purporting to be the London Gazette, or 1[any Official Gazette, or the Government Gazette] of any colony, dependency of possession of the British Crown, or to be a newspaper or journal, if such document is kept substantially in the form required by law and is produced from proper custody</p>	<p>[Sec.84] The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country, and of every book purporting to contain reports of decisions of the Courts of such country.</p> <p>[Sec.90] Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume such document to be duly executed and attested by the persons by whom it purports to be executed and attested.</p> <p>[Sec.90A] Where any electronic record, purporting or proved to be five years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume such electronic signature to be proper</p>	<p>[Sec.91] When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself</p>

PART-III
PRODUCTION AND EFFECT OF EVIDENCE

Chapter-VIII The Burden of Proof ↓	Chapter-VIII Estoppel ↓	Chapter-IX Witnesses ↓	Chapter-XI The Examination of Witnesses ↓		Chapter-XII Improper Admission & Rejection of Evidence ↓
<p>[Sec.102] The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side</p> <p>[Sec.103] The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence,</p> <p>[Sec.109] The question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.</p> <p>[Sec.110] When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.</p>	<p>[Sec.115] When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.</p> <p>[Sec.116] No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable prop by the licence of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such licence was given</p>	<p>[Sec.118] All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them</p> <p>[Sec.119] A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible.</p> <p>[Sec.129] shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness</p> <p>[Sec.133] An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.</p> <p>[Sec.134] No particular number of witnesses shall in any case be required for the proof of any fact.</p>	<p>[Sec.136] When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant</p> <p>[Sec.137] The examination of a witness by the party who calls him shall be called his examination-in-chief. The examination of a witness by the adverse party shall be called his cross-examination.</p> <p>The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.</p> <p>[Sec.141] Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.</p>	<p>[Sec.148] If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it,</p> <p>[Sec.151] The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue</p> <p>[Sec.162] A witness summoned to produce a document shall, if it is in his possession or power, bring it to the Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.</p>	<p>[Sec.167] The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case</p>

THE FIRST SCHEDULE

CLASSIFICATION OF OFFENCES

EXPLANATORY NOTES:

(1) In regard to offences under the Indian Penal Code, the entries in the second and third columns against a section the number of which is given in the first column are not intended as the definition of, and the punishment prescribed for, the offence in the Indian Penal Code, but merely as indication of the substance of the section.

(2) In this Schedule, (i) the expression “Magistrate of the first class” and “Any Magistrate” include Metropolitan Magistrates but not Executive Magistrates; (ii) the word “cognizable” stands for “a police officer may arrest without warrant”; and (iii) the word “non-cognizable” stands for “a police officer shall not arrest without warrant”.

I. –OFFENCES UNDER THE INDIAN PENAL CODE

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or Non-bailable	By what Court triable
1	2	3	4	5	6

CHAPTER V. –ABETMENT

109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	Same as for offence abetted.	According as offence abetted is cognizable or non-cognizable.	According as offence abetted is bailable or non-bailable.	Court by which offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto	Ditto	Ditto	Ditto.
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Same as for offence intended to be abetted.	Ditto	Ditto	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Same as for offence committed.	Ditto	Ditto	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto	Ditto	Ditto	Ditto.
115	Abetment of an offence, punishable with death or imprisonment for life, if the offence be not committed in consequence of the abetment.	Imprisonment for 7 years and fine.	Ditto	Non-bailable	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Imprisonment for 14 years and fine.	Ditto	Ditto	Ditto.
116	Abetment of any offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Imprisonment extending to a quarter part of the longest term provided for the offence, or fine, or both.	Ditto	According as offence abetted is bailable or non-bailable.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Imprisonment extending to half of the longest term provided for the offence, or fine, or both.	Ditto	Ditto	Ditto.

1	2	3	4	5	6
117	Abetting the commission of an offence by the public or by more than ten persons.	Imprisonment for 3 years, or fine, or both.	According as offence abetted is cognizable or non-cognizable.	According as offence abetted is bailable or non-bailable.	Court by which offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence be committed.	Imprisonment for 7 years and fine.	Ditto	Non-bailable.	Ditto.
	If the offence be not committed	Imprisonment for 3 years and fine.	Ditto	Bailable.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Imprisonment extending to half of the longest term provided for the offence, or fine, or both.	Ditto	According as offence abetted is bailable or non-bailable.	Ditto.
	If the offence be punishable with death or imprisonment for life.	Imprisonment for 10 years.	Ditto	Non-bailable.	Ditto.
	If the offence be not committed.	Imprisonment extending to a quarter part of the longest term provided for the offence, or fine, or both.	Ditto	Bailable.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if offence be committed.	Ditto	Ditto	According as offence abetted is bailable or non-bailable.	Ditto.
	If the offence be not committed.	Imprisonment extending to one-eighth part of the longest term provided for the offence, or fine, or both.	Ditto	Bailable.	Ditto.

CHAPTER VA.—CRIMINAL CONSPIRACY

120B	Criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of 2 years or upwards.	Same as for abetment of the offence which is the object of the conspiracy.	According as the offence which is the object of conspiracy is cognizable or non-cognizable.	According as offence which is object of conspiracy is bailable or non-bailable.	Court by which abetment of the offence which is the object of conspiracy is triable.
	Any other criminal conspiracy.	Imprisonment for 6 months, or fine, or both.	Non-cognizable.	Bailable.	Magistrate of the first class.

CHAPTER VI.—OFFENCES AGAINST THE STATE

121	Waging or attempting to wage war, or abetting the waging of war, against the Government of India.	Death, or imprisonment for life and fine.	Cognizable.	Non-bailable.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
122	Collecting arms, etc., with the intention of waging war against the Government of India.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
124	Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.

1	2	3	4	5	6
124A	Sedition	Imprisonment for life and fine, or imprisonment for 3 years and fine, or fine.	Cognizable	Non-bailable	Court of Session.
125	Waging war against any Asiatic power in alliance or at peace with the Government of India, or abetting the waging of such war.	Imprisonment for life and fine, or imprisonment for 7 years and fine, or fine.	Ditto	Ditto	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Government of India.	Imprisonment for 7 years and fine, and forfeiture of certain property.	Ditto	Ditto.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto.	Ditto	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
129	Public servant negligently suffering prisoner of State or war in his custody to escape.	Simple imprisonment for 3 years and fine.	Ditto	Bailable	Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Non-bailable	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

131	Abetting mutiny, or attempting to seduce an officer, soldier, sailor or airman from his allegiance or duty.	Imprisonment for life, or imprisonment for 10 years and fine.	Cognizable	Non-bailable	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Death, or imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
133	Abetment of an assault by an officer, soldier, sailor or airman on his superior officer, when in the execution of his office.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto
135	Abetment of the desertion of an officer, soldier, sailor or airman.	Imprisonment for 2 years, or fine, or both.	Ditto	Bailable	Any Magistrate.
136	Harbouring such an officer, soldier, sailor or airman who has deserted.	Ditto	Ditto	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Fine of 500 rupees.	Non-cognizable	Ditto.	Ditto.
138	Abetment of act of insubordination by an officer, soldier, sailor or airman, if the offence be committed in consequence.	Imprisonment for 6 months, or fine, or both.	Cognizable	Ditto.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, sailor or airman with intent that it may be believed that he is such a soldier, sailor or airman.	Imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.	Ditto	Ditto

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY

143	Being member of an unlawful assembly.	Imprisonment for 6 months, or fine, or both.	Cognizable	Bailable	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Imprisonment for 2 years, or fine, or both.	Ditto	Bailable	Ditto
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto	Ditto	Ditto	Ditto.
147	Rioting.	Ditto	Ditto	Ditto	Ditto.

1	2	3	4	5	6
148	Rioting, armed with a deadly weapon.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	The same as for the offence.	According as offence is cognizable or non-cognizable	According as offence is bailable or non-bailable	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Cognizable	Ditto	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Imprisonment for 6 months, or fine or both.	Ditto	Bailable	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, etc.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Imprisonment for 1 year, or fine, or both.	Ditto	Ditto	Any Magistrate.
	If not committed.	Imprisonment for 6 months, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
153A	Promoting enmity between classes.	Imprisonment for 3 years, or fine, or both.	Ditto	Non-bailable	Ditto
	Promoting enmity between classes in place of worship, etc.	Imprisonment for 5 years, and fine.	Ditto	Ditto	Ditto
¹ 153A A	Knowingly carrying arms in any procession or organising or holding or taking part in any mass drill or mass training with arms.	Imprisonment for 6 months and fine of 2,000 rupees	Ditto	Ditto	Any Magistrate.]
153B	Imputations, assertions prejudicial to national integration.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	² [Magistrate of the first-class.]
	If committed in a place of public worship, etc.	Imprisonment for 5 years and fine.	Ditto	Ditto	Ditto
154	Owner or occupier of land not giving information of riot, etc.	Fine of 1,000 rupees.	Non-cognizable	Bailable	Any Magistrate.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Fine	Ditto	Ditto	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto	Ditto	Ditto	Ditto
157	Harbouring persons hired for an unlawful assembly.	Imprisonment for 6 months, or fine, or both.	Cognizable	Ditto	Ditto
158	Being hired to take part in an unlawful assembly or riot.	Ditto	Ditto	Ditto	Ditto
	Or to go armed.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto
160	Committing affray	Imprisonment for one month, or fine of 100 rupees or both.	Ditto	Ditto	Ditto.

1. Ins. by Act 25 of 2005, s. 42 (date yet to be notified, see appendix)

2. Subs. by s. 42, for "Ditto", *ibid.* (date yet to be notified, see appendix)

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Imprisonment for 3 years, or fine, or both.	Cognizable	Non-bailable	Magistrate of the first class.
162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Ditto	Ditto	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Simple imprisonment for 1 year, or fine, or both.	Ditto	Ditto	Ditto.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Ditto.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto	Ditto	Ditto	Ditto.
165A	Punishment for abetment of offences punishable under section 161 or section 165.	Ditto	Ditto	Ditto	Ditto.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Simple imprisonment for 1 year, or fine, or both.	Non-cognizable	Bailable	Ditto.
¹ [166A	Public servant disobeying direction under law	Imprisonment for minimum 6 months which may extend to 2 years and fine.	Cognizable	Bailable	Magistrate of the first class
166B	Non-treatment of victim by hospital	Imprisonment for 1 year or fine or both.	Non-cognizable	Bailable	Magistrate of the first class.]
167	Public servant framing an incorrect document with intent to cause injury.	Imprisonment for 3 years, or fine, or both.	Cognizable	Ditto.	Ditto.
168	Public servant unlawfully engaging in trade.	Simple imprisonment for 1 year, or fine, or both.	Non-cognizable	Ditto	Ditto.
169	Public servant unlawfully buying or bidding for property.	Simple imprisonment for 2 years, or fine, or both and confiscation of property, if purchased.	Ditto.	Ditto.	Ditto.
170	Personating a public servant.	Imprisonment for 2 years or fine, or both.	Cognizable	Non-bailable	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Imprisonment for 3 months, or fine of 200 rupees, or both.	Ditto	Bailable	Ditto.

CHAPTER IXA.—OFFENCES RELATING TO ELECTIONS

171E	Bribery.	Imprisonment for 1 year or fine, or both, or if treating only, fine only.	Non-cognizable	Ditto	Magistrate of the first class.
171F	Undue influence at an election. Personation at an election	Imprisonment for one year, or fine, or both. Ditto	Ditto Cognizable	Ditto Ditto	Ditto. Ditto.
171G	False statement in connection with an election.	Fine	Non-cognizable	Ditto	Ditto.
171H	Illegal payments in connection with elections.	Fine of 500 rupees.	Ditto.	Ditto.	Ditto.
171-I	Failure to keep election accounts.	Ditto	Ditto	Ditto	Ditto.

1. Ins. by Act 13 of 2013, s. 24 (w.e.f. 3-2-2013).

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

172	Absconding to avoid service of summons or other proceeding from a public servant.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Non-cognizable	Bailable	Any Magistrate.
	If summons or notice require attendance in person, etc., in a Court of Justice.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both	Ditto	Ditto	Ditto.
173	Preventing the service or the affixing of any summons of notice, or the removal of it when it has been affixed, or preventing a proclamation.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
	If summons, etc., require attendance in person, etc., in a Court of Justice.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both	Ditto	Ditto	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing there from without authority.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
	If the order requires personal attendance, etc., in a Court of Justice.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
¹ [174A	Failure to appear at specified place and specified time as required by a proclamation published under sub-section (1) of section 82 of this Code	Imprisonment for 3 years, or with fine, or with both	Cognizable	Non-bailable	Magistrate of the first class.
	In a case where declaration has been made under sub-section (4) of section 82 of this Code pronouncing a person as proclaimed offender	Imprisonment for 7 years and fine	Ditto	Ditto	Ditto].
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	² [Non-cognizable]	² [Bailable]	The Court in which the offence is committed, subject to the provisions of Chapter XXVI; or, if not committed, in a court, any Magistrate.
	If the document is required to be produced in or delivered to a Court of Justice.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.	Ditto.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Ditto.	Ditto.	Any Magistrate.
	If the notice or information required respects the commission of an offence, etc.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.	Ditto.	Ditto.
	If the notice or information is required by an order passed under sub-section (1) of section 356 of this Code.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto	Ditto	Ditto	Ditto.
	If the information required respects the commission of an offence, etc.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.

1. Ins. by Act 25 of 2005, s. 42 (w.e.f. 23-6-2006).

2. Subs. by s. 42, *ibid.*, for the word "Ditto", for the respective entries in column 4 and 5 relating to s.175 (w.e.f. 23-6-2006).

1	2	3	4	5	6
178	Refusing oath when duly required to take oath by a public servant.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Non-cognizable	Bailable	The Court in which the offence is committed, subject to the provisions of Chapter XXVI; or, if not committed in a Court, any Magistrate.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto	Ditto	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Any Magistrate..
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	Ditto	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Imprisonment for 1 month, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
185	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby.	Imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto	Ditto	Ditto.
186	Obstructing public servant in discharge of his public functions.	Imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto	Ditto	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Cognizable	Ditto	Ditto.
	If such disobedience causes danger to human life, health or safety, etc.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
189	Threatening a public servant with injury to him or one in whom he is interested, to induce him to do or forbear to do any official act.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Ditto	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Imprisonment for 1 year, or fine, or both.	Ditto	Ditto	Ditto.

1	2	3	4	5	6
CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE					
193	Giving or fabricating false evidence in a judicial proceeding.	Imprisonment for 7 years and fine.	Non-cognizable	Bailable	Magistrate of the first class.
	Giving or fabricating false evidence in any other case	Imprisonment for 3 years and fine.	Ditto	Ditto	Any Magistrate.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of capital offence.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Ditto	Non-bailable	Court of session.
	If innocent person be thereby convicted and executed.	Death, or as above.	Ditto	Ditto	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life or with imprisonment for 7 years, or upwards.	The same as for the offence.	Ditto	Ditto	Ditto.
¹ [195A	Threatening any person to give false evidence.	Imprisonment for 7 years, or fine, or both.	Cognizable	Ditto	Court by which offence of giving false evidence is triable.
	If innocent person is convicted and sentenced in consequence of false evidence with death, or imprisonment for more than seven years.	The same as for the offence.	Ditto	Ditto	Ditto]
196	Using in a judicial proceeding evidence known to be false or fabricated.	The same as for giving or fabricating false evidence.	² [Non-cognizable]	According as offence of giving such evidence is bailable or non-bailable.	Court by which offence of giving or fabricating false evidence is triable.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto	Ditto	Bailable	Court by which offence of giving false evidence is triable.
198	Using as a true certificate one known to be false in a material point.	Ditto	Ditto	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto	Ditto	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto	Ditto	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Imprisonment for 7 years and fine.	According as the offence in relation to which disappearance of evidence is caused is cognizable or non-cognizable.	Ditto	Court of Session.
	If punishable with imprisonment for life or imprisonment for 10 years.	Imprisonment for 3 years and fine.	Non-cognizable	Ditto	Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both.	Ditto	Ditto	Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Imprisonment for 6 months, or fine, or both.	Ditto	Ditto	Any Magistrate.
203	Giving false information respecting an offence committed.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.

1. Ins. by Act 2 of 2006, s. 7 (w.e.f. 16-4-2006).

2. Subs. by s. 7, *ibid.* for the word "Ditto", occurring in column 4 relating to s.196 (w.e.f. 16-4-2006).

1	2	3	4	5	6
204	Secreting or destroying any document to prevent its production as evidence.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Ditto
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture or in satisfaction of a fine under sentence, or in execution of a decree.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Any Magistrate.
207	Claiming property without right, or practicing deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	Ditto	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto	Ditto	Ditto	Magistrate of the first class.
209	False claim in a Court of Justice.	Imprisonment for 2 years and fine.	Ditto	Ditto	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.
211	False charge of offence made with intent to injure.	Ditto	Ditto	Ditto	Ditto.
	If offence charged be punishable with imprisonment for 7 years or upwards.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto
	If offence charged be capital or punishable with imprisonment for life.	Ditto	Ditto	Ditto	Court of Session.
212	Harbouring an offender, if the offence be capital.	Imprisonment for 5 years and fine.	Cognizable	Ditto	Magistrate of the first class.
	If punishable with imprisonment for life or with imprisonment for 10 years.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
	If punishable with imprisonment for 1 year and not for 10 years.	Imprisonment for a quarter of the longest term, and of the descriptions, provided for the offence, or fine, or both.	Ditto	Ditto	Ditto.
213	Taking gift, etc., to screen an offender from punishment if the offence be capital.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
	If punishable with imprisonment for life or with imprisonment for 10 years.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
	If punishable with imprisonment for less than 10 years.	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both.	Ditto	Ditto	Ditto.
214	Offering gift or restoration of property in consideration of screening offender if the offence be capital.	Imprisonment for 7 years and fine.	Non-cognizable	Ditto	Ditto.
	If punishable with imprisonment for life or with imprisonment for 10 years.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
	If punishable with imprisonment for less than 10 years.	Imprisonment for a quarter of the longest term, provided for the offence, or fine, or both.	Ditto	Ditto	Ditto.
215	Taking gift to help to recover movable property of which a person has been deprived by an offence without causing apprehension of offender.	Imprisonment for 2 years, or fine, or both.	Cognizable	Ditto	Ditto.

1	2	3	4	5	6
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Imprisonment for 7 years and fine.	Cognizable	Bailable	Magistrate of the first class.
	If punishable with imprisonment for life or with imprisonment for 10 years.	Imprisonment for 3 years, with or without fine.	Ditto	Ditto	Ditto.
	If punishable with imprisonment for 1 year and not for 10 years.	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both.	Ditto	Ditto	Ditto.
216A	Harbouring robbers or dacoits.	Rigorous imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Ditto	Any Magistrate.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Imprisonment for 3 years, or fine, or both.	Cognizable	Ditto	Magistrate of the first class.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Imprisonment for 7 years, or fine, or both.	Non-cognizable	Ditto	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto	Ditto	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Imprisonment for 7 years, with or without fine.	According as the offence in relation to which such omission has been made is cognizable or non-cognizable.	Ditto	Ditto.
	If punishable with imprisonment for life or imprisonment for 10 years.	Imprisonment for 3 years, with or without fine.	Cognizable	Ditto	Ditto.
	If punishable with imprisonment for less than 10 years.	Imprisonment for 2 years, with or without fine.	Ditto	Ditto	Ditto.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice if under sentence of death.	Imprisonment for life, or imprisonment for 14 years, with or without fine.	Ditto	Non-bailable	Court of Session.
	If under sentence of imprisonment for life or imprisonment for 10 years, or upwards.	Imprisonment for 7 years, with or without fine.	Ditto	Ditto	Magistrate of the first class.
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Imprisonment for 3 years, or fine, or both.	Ditto	Bailable	Ditto.
223	Escape from confinement negligently suffered by a public servant.	Simple imprisonment for 2 years, or fine, or both.	Non-cognizable	Ditto	Any Magistrate.
224	Resistance or obstruction by a person to his lawful apprehension.	Imprisonment for 2 years, or fine, or both.	Cognizable	Ditto	Ditto.
225	Resistance or obstruction to the lawful apprehension of any person, or rescuing him from lawful custody.	Ditto	Ditto	Ditto	Ditto.
	If charged with an offence punishable with imprisonment for life or imprisonment for 10 years.	Imprisonment for 3 years and fine.	Ditto	Non-bailable	Magistrate of the first class.
	If charged with a capital offence.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.

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	If the person is sentenced to imprisonment for life, or imprisonment for 10 years, or upwards.	Imprisonment for 7 years and fine.	Cognizable	Non-bailable	Magistrate of the first class.
	If under sentence of death	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
225A	Omission to apprehend, or sufferance of escape on part of public servant, in cases not otherwise provided for:—				
	(a) in case of intentional omission or sufferance;	Imprisonment for 3 years, or fine, or both.	Non-cognizable	Bailable	Magistrate of the first class.
	(b) in case of negligent omission or sufferance.	Simple imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Any Magistrate.
225B	Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.	Imprisonment for 6 months, or fine, or both.	Cognizable	Ditto	Ditto.
227	Violation of condition of remission of punishment	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	Ditto	Non-bailable	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Non-cognizable	Bailable	The Court in which the offence is committed subject to the provisions of Chapter XXVI.
¹ [228A	Disclosure of identity of the victim of certain offences, etc.	Imprisonment for Two years and fine.	Cognizable	Ditto	Any Magistrate.
	Printing or publication of a proceeding without prior permission of court.	Ditto	Ditto	Ditto	Ditto.]
229	Personation of a juror or assessor.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Ditto	Magistrate of the first class.
² [229A	Failure by person released on bail or bond to appear in Court	Imprisonment for 1 year, or fine, or both	Cognizable	Non-bailable	Any Magistrate.]

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	Imprisonment for 7 years and fine.	Cognizable	Non-bailable	Magistrate of the first class.
232	Counterfeiting, or performing any part of the process of counterfeiting, Indian coin.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting Indian coin.	Imprisonment for 7 years and fine.	Ditto	Ditto	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
	If Indian coin.	Imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.

1. Ins. by Act 43 of 1983, s. 5 (w.e.f. 25.12.1983).

2. Ins. by Act 25 of 2005, s. 42 (w.e.f. 23-6-2006).

1	2	3	4	5	6
236	Abetting, in India, the counterfeiting, out of India, of coin.	The punishment provided for abetting the counterfeiting of such coin within India.	Cognizable	Non-bailable	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
238	Import or export of counterfeit of Indian coin, knowing the same to be counterfeit.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	Imprisonment for 5 years and fine.	Ditto	Ditto	Magistrate of the first class.
240	Same with respect to Indian coin.	Imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
241	Knowingly delivering to another any counterfeit coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	Imprisonment for 2 years, or fine, or 10 times the value of the coin counterfeited, or both.	Ditto	Ditto	Any Magistrate.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
243	Possession of Indian coin by a person who knew it to be counterfeit when he became possessed thereof.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	Ditto	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument.	Ditto	Ditto	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of Indian coin.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
247	Fraudulently diminishing the weight or altering the composition of Indian coin.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
249	Altering appearance of Indian coin with intent that it shall pass as a coin of a different description.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Imprisonment for 5 years and fine.	Ditto	Ditto	Ditto.
251	Delivery of Indian coin possessed with the knowledge that it is altered.	Imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
253	Possession of Indian coin by a person who knew it to be altered when he became possessed thereof.	Imprisonment for 5 years and fine.	Ditto	Ditto	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Imprisonment for 2 years or fine, or 10 times the value of the coin.	Ditto	Ditto	Any Magistrate.
255	Counterfeiting a Government stamp.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Imprisonment for 7 years and fine.	Ditto	Ditto	Magistrate of the first class.

1	2	3	4	5	6
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Imprisonment for 7 years and fine.	Cognizable	Non-bailable	Magistrate of the first class.
258	Sale of counterfeit Government stamp.	Ditto	Ditto	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	Ditto	Bailable	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Imprisonment for 7 years, or fine, or both.	Ditto	Ditto	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, removing from a document a stamp used for it, with intent to cause a loss to Government.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Ditto
262	Using a Government stamp known to have been before used.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Any Magistrate.
263	Erasure of mark denoting that stamps have been used.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
263A	Fictitious stamps	Fine of 200 rupees	Ditto	Ditto	Any Magistrate.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES

264	Fraudulent use of false instrument for weighing.	Imprisonment for 1 year, or fine, or both.	Non-cognizable	Bailable	Any Magistrate.
265	Fraudulent use of false weight or measure.	Ditto	Ditto	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto	Ditto	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto.	Cognizable	Non-bailable	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Imprisonment for 6 months, or fine, or both.	Cognizable	Bailable	Any Magistrate.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.
271	Knowingly disobeying any quarantine rule.	Imprisonment for 6 months, or fine, or both.	Non-cognizable	Ditto	Ditto.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto.	Ditto.	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	Ditto	¹ [Non-bailable]	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	² [Bailable]	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto.

1. Subs. by Act 25 of 2005, s. 42(f)(i), for the word "Ditto", occurring in column 5 relating to s. 274 (w.e.f. 23-6-2006).

2. Subs. by s. 42 (f) (ii), *ibid.*, for the word "Ditto", occurring in column 5 relating to s. 275 (w.e.f. 23-6-2006).

1	2	3	4	5	6
277	Defiling the water of a public spring or reservoir.	Imprisonment for 3 months, or fine of 500 rupees, or both.	Cognizable	Bailable	Any Magistrate.
278	Making atmosphere noxious to health.	Fine of 500 rupees	Non-cognizable	Ditto	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Cognizable	Ditto	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto.
281	Exhibition of a false light, mark or buoy.	Imprisonment for 7 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Any Magistrate.
283	Causing danger, obstruction or, injury in any public way or line of navigation.	Fine of 200 rupees.	Ditto	Ditto	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, etc.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto.
286	So dealing with any explosive substance.	Ditto	Ditto	Ditto	Ditto.
287	So dealing with any machinery.	Ditto	Non-cognizable	Ditto	Ditto.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto	Ditto	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	Ditto	Cognizable	Ditto	Ditto.
290	Committing a public nuisance.	Fine of 200 rupees	Non-cognizable	Ditto	Ditto.
291	Continuance of nuisance after injunction to discontinue.	Simple imprisonment for 6 months, or fine, or both.	Cognizable	Ditto	Ditto.
292	Sale, etc., of obscene books, etc.	On first conviction, with imprisonment for 2 years, and with fine of 2,000 rupees, and, in the event of second or subsequent conviction, with imprisonment for five years, and with fine of 5,000 rupees.	Ditto	Ditto	Ditto.
293	Sale, etc., of obscene objects to young persons.	On first conviction, with imprisonment for 3 years, and with fine of 2,000 rupees, and in the event of second or subsequent conviction, with imprisonment for 7 years, and with fine of 5,000 rupees.	Ditto	Ditto	Ditto.
294	Obscene songs	Imprisonment for 3 months, or fine or both.	Ditto	Ditto	Ditto.
294A	Keeping a lottery office	Imprisonment for 6 months, or fine, or both.	Non-cognizable	Ditto	Ditto.
	Publishing proposals relating to lotteries.	Fine of 1,000 rupees	Ditto	Ditto	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION

295	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Imprisonment for 2 years, or fine or both.	Cognizable	Non-Bailable	Any Magistrate.
295A	Maliciously insulting the religion or the religious beliefs of any class.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
296	Causing a disturbance to an assembly engaged in religious worship.	Imprisonment for 1 year, or fine, or both.	Ditto	Bailable	Any Magistrate.
297	Trespassing in place of worship or sepulcher, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto	Ditto	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Ditto	Non-cognizable	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY

302	Murder	Death, or imprisonment for life, and fine.	Cognizable	Non-bailable	Court of Session.
303	Murder by a person under sentence of imprisonment for life.	Death	Ditto	Ditto	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Imprisonment for 10 years, or fine, or both.	Ditto	Ditto	Ditto.
304A	Causing death by rash or negligent act.	Imprisonment for 2 years, or fine, or both.	Ditto	Bailable	Magistrate of the first class.
[304B	Dowry death.	Imprisonment of not less than seven years but which may extend to imprisonment for life.	Ditto	Non-bailable	Court of Session.]
305	Abetment of suicide committed by child, or insane or delirious person or an idiot, or a person intoxicated.	Death, or imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
306	Abetting the commission of suicide.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
307	Attempt to murder	Ditto	Ditto	Ditto	Ditto.
	If such act causes hurt to any person.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
	Attempt by life-convict to murder, if hurt is caused.	Death, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
308	Attempt to commit culpable homicide	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Ditto.
	If such act causes hurt to any person	Imprisonment for 7 years, or fine, or both.	Ditto	Ditto	Ditto.

. Ins. by Act 43 of 1986, s. 11 (w.e.f. 19.11.1986).

1	2	3	4	5	6
309	Attempt to commit suicide.	Simple imprisonment for 1 year, or fine, or both.	Cognizable	Bailable	Any Magistrate.
311	Being a thug.	Imprisonment for life and fine.	Ditto	Non-bailable	Court of Session.
312	Causing miscarriage.	Imprisonment for 3 years, or fine, or both.	Non-cognizable	Bailable	Magistrate of the first class.
	If the woman be quick with child.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
313	Causing miscarriage without women's consent.	Imprisonment for life, or imprisonment for 10 years and fine.	Cognizable	Non-bailable	Court of Session.
314	Death caused by an act done with intent to cause miscarriage.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
	If act done without women's consent.	Imprisonment for life, or as above.	Ditto	Ditto	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Imprisonment for 10 years, or fine, or both.	Ditto	Ditto	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	Imprisonment for 7 years, or fine, or both.	Ditto	Bailable	Magistrate of the first class.
318	Concealment of birth by secret disposal of dead body.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.
323	Voluntarily causing hurt.	Imprisonment for 1 year or fine of 1,000 rupees, or both.	Non-cognizable	Ditto	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	Imprisonment for 3 years, or fine, or both.	Cognizable	Ditto	Ditto.
325	Voluntarily causing grievous hurt.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Non-bailable	Magistrate of the first class.
¹ [326A	Voluntarily causing grievous hurt by use of acid, etc.	Imprisonment for not less than 10 years but which may extend to imprisonment for life and fine to be paid to the victim.	Cognizable	Non-bailable	Court of Session
326B	Voluntarily throwing or attempting to throw acid.	Imprisonment for 5 years but which may extend to 7 years and with fine.	Cognizable	Non-bailable	Court of Session.]
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto	Ditto	Ditto	Court of Session.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	Imprisonment for 7 years and fine.	Ditto	Bailable	Magistrate of the first class.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Imprisonment for 10 years and fine.	Ditto	Non-bailable	Court of Session.
332	Voluntarily causing hurt to deter public servant from his duty.	Imprisonment for 3 years or fine or both.	Ditto	² [Ditto]	Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Imprisonment for 10 years and fine.	Ditto	³ [Ditto]	Court of Session.

1. Ins. by Act 13 of 2013, s. 24 (w.e.f. 3-2-2013).

2. Subs. by Act 25 of 2005, s. 42(f)(v), occurring in column 5, relating to s. 332, for "Bailable" (w.e.f. 23-6-2006).

3. Subs. by s. 42(f)(vi), *ibid.*, occurring in column 5, relating to s. 333, for "Non-bailable", (w.e.f. 23-6-2006).

1	2	3	4	5	6
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Imprisonment for 1 month, or fine of 500 rupees, or both.	Non-cognizable	Bailable	Any Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Imprisonment for 4 years, or fine of 2,000 rupees, or both.	Cognizable	Ditto	Magistrate of the first class.
336	Doing any act which endangers human life or the personal safety of others.	Imprisonment for 3M, or fine of 250 rupees, or both.	Ditto	Ditto	Any Magistrate
337	Causing hurt by an act which endangers human life, etc.	Imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
338	Causing grievous hurt by an act which endangers human life, etc.	Imprisonment for 2 years, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
341	Wrongfully restraining any person.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Ditto	Ditto	Ditto.
342	Wrongfully confining any person.	Imprisonment for 1 year, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
343	Wrongfully confining for three or more days.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.
344	Wrongfully confining for 10 or more days.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Imprisonment for 2 years, in addition to imprisonment under any other section.	Ditto	Ditto	Magistrate of the first class.
346	Wrongful confinement in secret.	Ditto	Ditto	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Imprisonment for 3 years and fine.	Ditto	Ditto	Any Magistrate.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto	Ditto	Ditto	Ditto.
352	Assault or use of criminal force otherwise than on grave provocation.	Imprisonment for 3 months, or fine of 500 rupees, or both.	Non-cognizable	Ditto	Ditto.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	Imprisonment for 2 years, or fine, or both.	Cognizable	¹ [Non-bailable]	Ditto.
² 354	Assault or use of criminal force to woman with intent to outrage her modesty.	Imprisonment of 1 year which may extend to 5 years, and with fine.	Cognizable	Non-bailable	Any Magistrate
354A	Sexual harassment of the nature of unwelcome physical contact and advances or a demand or request for sexual favours, showing pornography.	< 3 years or fine or with both.	Cognizable	Bailable	Any Magistrate
	Sexual harassment of the nature of making sexually coloured remark.	< 1 year or with fine or with both.	Cognizable	Bailable	Any Magistrate.
354B	Assault or use of criminal force to woman with intent to disrobe.	> 3 years to 7 years and with fine.	Cognizable	Non-bailable	Any Magistrate.
354C	Voyeurism.	> 1 year to 3 years + fine for first conviction.	Cognizable	Bailable	Any Magistrate.
		> 3 years to 7 years + fine for second or subsequent conviction.	Cognizable	Non-bailable	Any Magistrate
354D	Stalking.	< 3yrs + fine for first conviction	Cognizable	Bailable	Any Magistrate.
		< 5 yrs and + fine for second or subsequent conviction.	Cognizable	Non-bailable	Any Magistrate.
355	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Ditto	Non-cognizable	Bailable	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Ditto	Cognizable	Ditto	Ditto.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Imprisonment for 1 year, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Simple imprisonment for one month, or fine of 200 rupees, or both.	Non-cognizable	Ditto	Ditto.
363	Kidnapping	Imprisonment for 7 years and fine.	Cognizable	Ditto	Magistrate of the first class.

1. Subs. by Act 25 of 2005, s. 42 (f) (vii), occurring in column 5, relating to s. 353, for "Ditto" (w.e.f. 23-6-2006).

2. Subs. by Act 13 of 2013, s. 24, for entry relating to s. 354 (w.e.f. 3-2-2013).

1	2	3	4	5	6
363A	Kidnapping or obtaining the custody of a minor in order that such minor may be employed or used for purposes of begging.	Imprisonment for 10 years and fine.	Cognizable	Non-bailable	Magistrate of the first class.
	Maiming a minor in order that such minor may be employed or used for purposes of begging.	Imprisonment for life and fine.	Ditto	Ditto	Court of Session.
364	Kidnapping or abducting in order to murder.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
¹ [364A	Kidnapping for ransom, etc.	Death, or imprisonment for life and fine.	Ditto	Ditto	Ditto.]
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Imprisonment for 7 years and fine.	Ditto	Ditto	Magistrate of the first class.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
366A	Procuration of a minor girl.	Ditto	Ditto	Ditto	Ditto.
366B	Importation of a girl from foreign country.	Ditto	Ditto	Ditto	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto	Ditto	Ditto	Ditto.
368	Concealing or keeping in confinement a Kidnapped person	Punishment for kidnapping or abduction.	Ditto	Ditto	Court by which the kidnapping or abduction is triable.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Imprisonment for 7 years and fine.	Ditto	Ditto	Magistrate of the first class.
² [370	Trafficking of person.	Imprisonment of not less than 7 years but which may extend to 10 years and with fine.	Cognizable	Non-bailable	Court of Session.
	Trafficking of more than one person.	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine.	Cognizable	Non-bailable	Court of Session.
	Trafficking of a minor.	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine.	Cognizable	Non-bailable	Court of Session.
	Trafficking of more than one minor.	Imprisonment of not less than 14 years but which may extend to imprisonment for life and with fine.	Cognizable	Non-bailable	Court of Session.
	Person convicted of offence of trafficking of minor on more than one occasion.	Imprisonment for life which shall mean the remainder of that person's natural life and with fine.	Cognizable	Non-bailable	Court of Session.
	Public servant or a police officer involved in trafficking of minor.	Imprisonment for life which shall mean the remainder of that person's natural life and with fine.	Cognizable	Non-bailable	Court of Session.
370A	Exploitation of a trafficked child.	Imprisonment of not less than 5 years but which may extend to 7 years and with fine.	Cognizable	Non-bailable	Court of Session.
	Exploitation of a trafficked person.	Imprisonment of not less than 3 years but which may extend to 5 years and with fine.	Cognizable	Non-bailable	Court of Session.]

1. Ins. by Act 42 of 1993, s. 4, (w.e.f. 22-5-1993).

2. Subs. by Act 13 of 2013, s. 24, for entries relating to s. 370 (w.e.f. 3-2-2013).

1	2	3	4	5	6
371	Habitual dealing in slaves.	Imprisonment for life, or imprisonment for 10 years and fine.	Cognizable	Non-bailable	Court of Session.
372	Selling or letting to hire a minor for purposes of prostitution, etc.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
373	Buying or obtaining possession of a minor for the same purposes.	Ditto	Ditto	Ditto	Ditto.
374	Unlawful compulsory labour.	Imprisonment for 1 year, or fine, or both.	Ditto	Bailable	Any Magistrate.
¹ [² 376	Rape.	Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine.	Cognizable	Non-bailable	Court of Session.
	Rape by a police officer or a public servant or member of armed forces or a person being on the management or on the staff of a jail, remand home or other place of custody or women's or children's institution or by a person on the management or on the staff of a hospital, and rape committed by a person in a position of trust or authority towards the person raped or by a near relative of the person raped.	Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life which shall mean the remainder of that person's natural life and with fine.	Cognizable	Non-bailable	Court of Session.
	Persons committing offence of rape on a woman under sixteen years of age.	Rigorous imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and with fine.	Cognizable	Non-bailable	Court of Session.]
376A	Person committing an offence of rape and inflicting injury which causes death or causes the woman to be in a persistent vegetative state.	Rigorous imprisonment of not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life or with death.	Cognizable	Non-bailable	Court of Session.
³ [376A B	Person committing an offence of rape on a woman under twelve years of age.	Rigorous imprisonment of not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for that person's natural life and with fine or with death.	Cognizable	Non-bailable	Court of Session.]

1. Subs. by Act 13 of 2013, s. 24, for entries relating to ss. 376, 376A, 376B, 376C and 376D (w.e.f. 3-2-2013).

2. Subs. by Act 22 of 2018, s. 24, for entry 376 (w.e.f. 21-4-2018).

3. Ins. by s. 24, *ibid.* (w.e.f. 21-4-2018).

1	2	3	4	5	6
376B	Sexual intercourse by husband upon his wife during separation.	Imprisonment for not less than 2 years but which may extend to 7 years and with fine.	Cognizable	Bailable	Court of Session.
376C	Sexual intercourse by a person in authority.	Rigorous imprisonment for not less than 5 years but which may extend to 10 years and with fine.	Cognizable	Non-bailable	Court of Session.
376D	Gang rape	Rigorous imprisonment for not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine to be paid to the victim.	Cognizable	Non-bailable	Court of Session.
¹ [376DA	Gang rape on a woman under sixteen years of age.	Imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine.	Cognizable	Non-bailable	Court of Session.
376DB	Gang rape on woman under twelve years of age.	Imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine or with death.	Cognizable	Non-bailable	Court of Session.]
376E	Repeat offenders.	Imprisonment for life which shall mean imprisonment for the remainder of that person's natural life or with death.	Cognizable	Non-bailable	Court of Session.]
² [377	Unnatural offences	Imprisonment for life, or imprisonment for 10 years and fine.	Cognizable	Non-bailable	Magistrate of the first class.]

CHAPTER XVII.—OFFENCES AGAINST PROPERTY

379	Theft	Imprisonment for 3 years, or fine, or both.	Cognizable	Non-bailable	Any Magistrate.
380	Theft in a building, tent or vessel	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto	Ditto	Ditto	Ditto.
382	Theft, after preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it.	Rigorous imprisonment for 10 years and fine.	Ditto	Ditto	Magistrate of the first class.

1. Ins. by Act 22 of 2018, s. 24 (w.e.f. 21-4-2018).

2. Subs. by Act 30 of 2001, s. 3 and the Second Sch., for the entries relating to s. 377 (w.e.f. 3-9-2001).

1	2	3	4	5	6
384	Extortion	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Any Magistrate.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Imprisonment for 2 years, or fine, or both.	Ditto	Bailable	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Imprisonment for 10 years and fine.	Ditto	Non-bailable	Magistrate of the first class.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, imprisonment for life, or imprisonment for 10 years.	Imprisonment for 10 years and fine.	Ditto	Bailable	Ditto.
	If the offence threatened be an unnatural offence.	Imprisonment for life	Ditto	Ditto	Ditto.
389	Putting a person in fear of accusation of an offence punishable with death, imprisonment for life, or imprisonment for 10 years in order to commit extortion.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
	If the offence be an unnatural offence.	Imprisonment for life.	Ditto	Ditto	Ditto.
392	Robbery	Rigorous imprisonment for 10 years and fine.	Ditto	Non-bailable	Ditto.
	If committed on the highway between sunset and sunrise.	Rigorous imprisonment for 14 years and fine.	Ditto	Ditto	Ditto.
393	Attempt to commit robbery.	Rigorous imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
395	Dacoity	Ditto	Ditto	Ditto	Court of Session.
396	Murder in dacoity	Death, imprisonment for life, or rigorous imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Rigorous imprisonment for not less than 7 years.	Ditto	Ditto	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto	Ditto	Ditto	Ditto.
399	Making preparation to commit dacoity.	Rigorous imprisonment for 10 years and fine.	Cognizable	Non-bailable	Court of Session.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Rigorous imprisonment for 7 years and fine.	Ditto	Ditto	Magistrate of the first class.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto	Ditto	Ditto	Court of Session.

1	2	3	4	5	6
403	Dishonest misappropriation of movable property, or converting it to one's own use.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class..
	If by clerk or person employed by deceased	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
406	Criminal breach of trust	Imprisonment for 3 years, or fine, or both.	Cognizable	Non-bailable	Ditto.
407	Criminal breach of trust by a carrier, wharfinger, etc.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
408	Criminal breach of trust by a clerk or servant.	Ditto	Ditto	Ditto	Ditto
409	Criminal breach of trust by public servant or by banker, merchant or agent, etc.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
411	Dishonestly receiving stolen property knowing it to be stolen.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Any Magistrate.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
413	Habitually dealing in stolen property.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Any Magistrate.
417	Cheating	Imprisonment for 1 year, or fine, or both.	Non-cognizable	Bailable	Ditto.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Imprisonment for 3 years, or fine, or both.	Ditto	Ditto	Ditto.
419	Cheating by personation .	Ditto	Cognizable	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Imprisonment for 7 years and fine.	Ditto	Non-bailable	Magistrate of the first class.
421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Any Magistrate.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Any Magistrate.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto	Ditto	Ditto	Ditto.
424	Fraudulent removal or concealment of property, of himself or any other person or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto	Ditto	Ditto	Ditto.

1	2	3	4	5	6
426	Mischief	Imprisonment for 3 months or fine, or both.	Ditto	Ditto	Ditto.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	Ditto	Cognizable	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Imprisonment for 5 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
430	Mischief by causing diminution of supply of water for agricultural purposes, etc.	Ditto	Ditto	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto	Ditto	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto	Ditto	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Imprisonment for 7 years, or fine, or both.	Ditto	Ditto	Ditto.
434	Mischief by destroying or moving, etc., a landmark fixed by public authority.	Imprisonment for 1 year, or fine, or both.	Non-cognizable	Ditto	Any Magistrate.
435	Mischief by fire or explosive substance with intent to cause damage to an amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	Imprisonment for 7 years and fine.	Cognizable	Ditto	Magistrate of the first class.
436	Mischief by fire or explosive substance with intent to destroy a house, etc.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Non-bailable	Court of Session.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tonnes burden.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
439	Running vessel ashore with intent to commit theft, etc.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
440	Mischief committed after preparation made for causing death, or hurt, etc.	Imprisonment for 5 years and fine.	Ditto	Bailable	Magistrate of the first class.
447	Criminal trespass	Imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto	Ditto	Any Magistrate.
448	House-trespass	Imprisonment for 1 year, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.

1	2	3	4	5	6
449	House-trespass in order to the commission of an offence punishable with death.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Cognizable	Non-bailable	Court of Session.
450	House-trespass in order to the commission of an offence punishable with imprisonment for life.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Imprisonment for 2 years and fine.	Ditto	Bailable	Any Magistrate.
	If the offence is theft	Imprisonment for 7 years and fine.	Ditto	Non-bailable	Ditto.
452	House-trespass, having made preparation for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Imprisonment for 2 years and fine.	Ditto	Ditto	Ditto.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Imprisonment for 3 years and fine.	Ditto	Ditto	Ditto.
	If the offence be theft	Imprisonment for 10 years and fine.	Ditto	Ditto	Magistrate of the first class.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto.
456	Lurking house-trespass or house-breaking by night.	Imprisonment for 3 years and fine.	Ditto	Ditto	Any Magistrate.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Imprisonment for 5 years and fine.	Ditto	Ditto	Magistrate of the first class.
	If the offence is theft	Imprisonment for 14 years and fine.	Ditto	Ditto	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, etc.	Ditto	Ditto	Ditto	Ditto.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Ditto	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, etc.	Ditto	Ditto	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Imprisonment for 2 years or fine, or both.	Ditto	Ditto	Any Magistrate.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Imprisonment for 3 years or fine, or both.	Ditto	Bailable	Ditto

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

465	Forgery	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Magistrate of the first class.
466	Forgery of a record of a Court of Justice or of a Registrar of Births, etc., kept by a public servant.	Imprisonment for 7 years and fine	Ditto	Non-bailable	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	Imprisonment for life or for ten years and fine	Ditto	Ditto	Ditto.
	When the valuable security is a promissory note of central Government.	Ditto	Cognizable	Ditto	Ditto.

1	2	3	4	5	6
468	Forgery for the purpose of cheating.	Imprisonment for 7 years and fine.	Cognizable	Non-bailable	Magistrate of the first class.
469	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Imprisonment for 3 years and fine.	Ditto	Bailable	Ditto.
471	Using as genuine a forged document which is known to be forged.	Punishment for forgery of such document.	Ditto	Ditto	Ditto.
	When the forged document is a promissory note of the Central Government.	Ditto	Ditto	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Imprisonment for life, or imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
473	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto.	Ditto.	Ditto.	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Imprisonment for life, or imprisonment for 7 years and fine.	Non-cognizable	Ditto	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto.	Ditto.	Ditto.	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Imprisonment for 7 years and fine.	Ditto	Non-bailable	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, etc.	Imprisonment for life, or imprisonment for 7 years and fine.	Ditto	Ditto.	Ditto.
477A	Falsification of accounts.	Imprisonment for 7 years or fine, or both.	Ditto	Bailable	Ditto.
482	Using a false property mark with intent to deceive or injure any person.	Imprisonment for 1 year, or fine, or both.	Ditto	Ditto	Any Magistrate.
483	Counterfeiting a property mark used by another, with intent to cause damage or injury.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Ditto.
484	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Imprisonment for 3 years and fine.	Ditto	Ditto	Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property mark.	Imprisonment for 3 years, or fine, or both.	Ditto.	Ditto.	Ditto.

1	2	3	4	5	6
486	Knowingly selling goods marked with a counterfeit property mark.	Imprisonment for 1 year, or fine, or both.	Non-cognizable	Bailable	Any Magistrate.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods, which it does not contain, etc.	Imprisonment for 3 years or fine or both.	Ditto	Ditto	Ditto.
488	Making use of any such false mark.	Ditto	Ditto	Ditto	Ditto.
489	Removing, destroying or defacing property mark with intent to cause injury.	Imprisonment for 1 year, or fine, or both.	Ditto	Ditto	Ditto.
489A	Counterfeiting currency-notes or bank-notes.	Imprisonment for life, or imprisonment for 10 years and fine.	Cognizable	Non-bailable	Court Session. of
489B	Using as genuine forged or counterfeit currency-notes or bank-notes.	Ditto	Ditto	Ditto	Ditto.
489C	Possession of forged or counterfeit currency-notes or bank-notes.	Imprisonment for 7 years or fine, or both.	Ditto	Bailable	Ditto.
489D	Making or possessing machinery, instrument or material for forging or counterfeiting currency-notes or bank-notes.	Imprisonment for life, or imprisonment for 10 years and fine.	Ditto	Non-bailable	Ditto.
489E	Making or using documents resembling currency-notes or bank-notes.	Fine of 100 rupees.	Non-cognizable	Bailable	Any Magistrate.
	On refusal to disclose the name and address of the printer.	Fine of 200 rupees.	Ditto	Ditto	Ditto.

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE

491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Imprisonment for 3 months, or fine of 200 rupees, or both.	Non-cognizable	Bailable	Any Magistrate.
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CHAPTER XX.—OFFENCES RELATING TO MARRIAGE

493	A man by deceit causing a woman not lawfully married to him to believe, that she is lawfully married to him and to cohabit with him in that belief.	Imprisonment for 10 years and fine.	Non-cognizable	Non-bailable	Magistrate of the first class.
494	Marrying again during the life time of a husband or wife.	Imprisonment for 7 years and fine.	Ditto	Bailable	Ditto.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Imprisonment for 10 years and fine.	Ditto	Ditto	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Imprisonment for 7 years and fine.	Ditto	Ditto	Ditto.
497	Adultery	Imprisonment for 5 years, or fine, or both.	Ditto	Ditto	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Imprisonment for 2 years, or fine, or both.	Ditto	Ditto	Any Magistrate.

1	2	3	4	5	6
¹ [CHAPTER XXA.—OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND					
498A	Punishment for subjecting a married woman to cruelty.	Imprisonment for three years and fine.	Cognizable if information relating to the commission of the offence is given to an officer in charge of a police station by the person aggrieved by the offence or by any person related to her by blood, marriage or adoption or if there is no such relative, by any public servant belonging to such class or category as may be notified by the State Government in this behalf.	Non-bailable	Magistrate of the first class.]

CHAPTER XXI.—DEFAMATION

500	Defamation against the President or the Vice-President or the Governor of a State or Administrator of a Union territory or a Minister in respect of his conduct in the discharge of his public functions when instituted upon a complaint made by the Public Prosecutor.	Simple imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Court of Session.
	Defamation in any other case	Ditto	Ditto	Ditto	Magistrate of the first class.
501(a)	Printing or engraving matter knowing it to be defamatory against the President or the Vice-President or the Governor of a State or Administrator of a Union territory or a Minister in respect of his conduct in the discharge of his public functions when instituted upon a complaint made by the Public Prosecutor.	Ditto	Ditto	Ditto	Court of Session.
(b)	Printing or engraving matter knowing it to be defamatory, in any other case.	Ditto	Ditto	Ditto	Magistrate of the first class.
502(a)	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter against the President or the Vice-President or the Governor of a State or Administrator of a Union territory or a Minister in respect of his conduct in the discharge of his public functions when instituted upon a complaint made by the Public Prosecutor.	Ditto	Ditto	Ditto	Court of Session.
(b)	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter in any other case.	Ditto	Ditto	Ditto	Magistrate of the first class.

1. Ins. by Act 46 of 1983, s. 6 (w.e.f. 25-12-1983).

1	2	3	4	5	6
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CHAPTER XXII.—CRIMINAL INTIMIDATIONS, INSULT AND ANNOYANCE

504	Insult intended to provoke breach of the peace.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Any Magistrate.
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace.	Imprisonment for 3 years, or fine, or both.	Ditto	Non-bailable	Ditto.
	False statement, rumour, etc., with intent to create enmity, hatred or ill-will between different classes.	Ditto	Cognizable	Ditto	Ditto.
	False statement, rumour, etc., made in place of worship, etc., with intent to create enmity, hatred or ill-will.	Imprisonment for 5 years and fine.	Ditto	Ditto	Ditto.
506	Criminal intimidation.	Imprisonment for 2 years, or fine, or both.	Non-cognizable	Bailable	Ditto.
	If threat be to cause death or grievous hurt, etc.	Imprisonment for 7 years, or fine, or both.	Ditto	Ditto	Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Imprisonment for 2 years, in addition to the punishment under above section.	Ditto	Ditto	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Imprisonment for 1 year, or fine, or both.	Ditto	Ditto	Any Magistrate.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	¹ [Simple imprisonment for 3 years and with fine.]	Cognizable	Ditto	Ditto.
510	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person.	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Non-cognizable	Ditto	Ditto.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES

511	Attempting to commit offences punishable with imprisonment for life, or imprisonment, and in such attempt doing any act towards the commission of the offence.	Imprisonment for life, or imprisonment not exceeding half of the longest term, provided for the offence, or fine, or both	According as the offence is cognizable or non-cognizable.	According as the offence attempted by the offender is bailable or not.	The court by which the offence attempted is triable.
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II. —CLASSIFICATION OF OFFENCES AGAINST OTHER LAWS

Offence	Cognizable or non-cognizable	Bailable or non-bailable	By what court triable
If punishable with death, imprisonment for life, or imprisonment for more than 7 years	Cognizable	Non-bailable	Court of Session.
If punishable with imprisonment for 3 years and upwards but not more than 7 years	Ditto	Ditto	Magistrate of the first class.
If punishable with imprisonment for less than 3 years or with fine only.	Non-cognizable	Bailable	Any Magistrate.

1. Subs. by Act 13 of 2013, s. 24, for the word "Simple imprisonment for 1 year, or fine, or both," occurring made in column 3, relating to s. 509 (w.e.f. 3-2-2013).

STATE AMENDMENTS

Chhattisgarh

In First Schedule to the Code, under the heading "1. —OFFENCES UNDER THE INDIAN PENAL CODE, 1860"

(a) In the entries relating to Section 211, the following entries shall be added, namely: —

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
...	If offence charged be punishable under Ss. 354, 354A, 354B, 354C, 354D, 354E, 376B, 376C, 376F, 509, 509A or 509B.	Imprisonment not less than 3 years but which may extend to 5 years and fine.	Non-Cognizable	Bailable	Magistrate of the first class.

(b) In the entries relating to Section 354, the following entries shall be added, namely: —

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
...	If committed by relative of the woman.	Imprisonment not less than 2 years but which may extend to 7 years and fine.	Cognizable	Non-Bailable	Magistrate of the first class.

(C) After the entries relating to Section 354D, the following shall be inserted, namely: —

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
354E	Liability of person present who fails to prevent the commission of offence under Ss. 354, 354A, 354B, 354C or 354D.	Imprisonment upto 3 years or fine or both.	Cognizable	Bailable	Any Magistrate.

(d) After the entries relating of Section 376E, the following shall be inserted, namely: —

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
376F	Liability of person in-charge of any work place and others to give information about offence.	Imprisonment upto 3 years and fine.	Cognizable	Non-Bailable	Magistrate of first class.

(e) After the entries relating to Section 509, the following shall be inserted, namely: —

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
509A	Sexual harassment by relative.	Rigorous imprisonment not less than 1 year but which may extend upto 5 years and fine.	Cognizable	Non-Bailable	Magistrate of first class.
509B	Sexual harassment by electronic modes.	Rigorous imprisonment not less than 6 months but which may extend upto 2 years and fine.	Cognizable	Non-Bailable	Magistrate of first class,]

[Vide Chhattisgarh Act 25 of 2015, s. 13]

Gujarat

In the Code of Criminal Procedure, 1973, in the First Schedule, in the table, under the heading “Chapter XVII-Offences against Property”, after section 379, the following shall be inserted, namely: —

Section	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
(1)	(2)	(3)	(4)	(5)	(6)
“379A	Attempt to commit snatching	Rigorous imprisonment of not less than five years but which may extend to ten years, and fine of 25,000 rupees.	Cognizable	Non-bailable	Court of Session
	Committing snatching	Rigorous imprisonment of not less than seven years but which may extend to ten years, and fine of 25,000 rupees.	Ditto	Ditto	Ditto.
	Causing hurt or wrongful restraint or fear of hurt, in order to effect escape after attempting to commit or after committing snatching	Rigorous imprisonment which may extend to three years, in addition to punishment under other sub-sections.	Ditto	Ditto	Ditto.
379B	Snatching, after preparation having been made for	Rigorous imprisonment of not less than seven years	Ditto	Ditto	Ditto.”.

causing death, or hurt, or restraint, in order to the committing of such snatching, or to retaining property taken by it.

but which may extend to ten year, and fine of 25,000 rupees.

[Vide Gujrat Act 6 of 2019, s. 3.]

Madhya Pradesh

Amendment of First Schedule.- In the First Schedule to the principal Act, under the heading “I-OFFENCES UNDER THE INDIAN PENAL CODE”, after the entries relating to section 354, the following entries shall be inserted, namely:-

Section	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
(1)	(2)	(3)	(4)	(5)	(6)
“354-A	Assault or use of Criminal force to woman with intent to disrobe her.	Imprisonment of not less than one year but which may extend to ten years and fine.	Cognizable	Non-bailable	Court of Session”

[Vide Madhya Pradesh Act 15 of 2004, s. 5.]

Madhya Pradesh

Amendment of the First Schedule.—In the First Schedule to the principal Act, under the heading “I-Offences under the Indian Penal Code”, in column 6 against section 317, 318, 326, 363, 363A, 365, 377, 392, 393, 394, 409, 435, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477 and 477A, for the words, “Magistrate of the first class”, wherever they occur, the words “Court of Session” shall be substituted.

[Vide Madhya Pradesh Act 2 of 2008, s. 4.]

Maharashtra

In the First Schedule to the Code of Criminal Procedure, under heading “I,- OFFENCES UNDER THE INDIAN PENAL CODE”,-

(i) for the entry relating to section 332, the following entry shall be substituted, namely:—

Section	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
(1)	(2)	(3)	(4)	(5)	(6)
“332	Voluntarily causing hurt to deter public servant from his duty.	Imprisonment for 5 years or fine, or both.	Cognizable	Non- bailable	Court of Session.”;

(ii) for the entry relating to section 353, the following entry shall be substituted, namely:—

Section	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
(1)	(2)	(3)	(4)	(5)	(6)
“353	Assault or use of criminal force to deter a public servant from discharge of his duty.	Imprisonment for five years, or fine, or both.	Cognizable	Non-bailable	Court of Session.”.

[Vide Maharashtra Act 40 of 2018, s. 5]

Haryana

1.	This Act may be called the Code of Criminal Procedure (Haryana Amendment) Act, 2014.	Short title
2.	In the Code of Criminal Procedure, 1973 in its application to the State of Haryana, in the First Schedule, in the table, after section 379, the following entries shall be inserted, namely:—	Amendment of First Schedule to Central Act 2 of 1974

1	2	3	4	5	6
“379-A	Snatching	Rigorous imprisonment for a term which shall not be less than five years but which may extend to ten years, and fine of Rs. 25,000/-	Cognizable	Non-bailable	Court of Session
379-B	Snatching with hurt or wrongful restraint or fear of hurt.	Rigorous imprisonment for a term which shall not be less than ten years and which may extend to fourteen years, and fine of Rs. 25,000/-	Ditto	Ditto	Ditto”.

[Vide Notification No. GSR929(E) dated 16th December, 2019.]

Himachal Pradesh

Amendment of Central Act No. 2 of 1974.—In the First Schedule to the Code of Criminal Procedure, 1973, under the heading “1. OFFENCES UNDER THE INDIAN PENAL CODE” after the entries relating to section 304-A, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“304-AA	Causing death or injury by driving a public service vehicle while in a state of intoxication	Imprisonment for life, or imprisonment for seven years and fine	Ditto	Non-bailable	Court of Session”

[Vide Himachal Pradesh 19 of 1997, s. 3.]

Himachal Pradesh

Amendment of Central Act No. 2 of 1974. — In the First Schedule to the Code of Criminal Procedure, 1973, under the heading “I, OFFENCES UNDER THE INDIAN PENAL CODE”, after the entries relating to section 289, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“289-A	Whoever throws eatables in public place, other than those notified by the State Government in the Official Gazette, and thereby entice monkeys to assemble at such place for taking eatables which result in causing danger to human life or to be likely to cause injury or annoyance to the public or to the people in general or to cause hindrance in smooth running of vehicular traffic.	Imprisonment for one month or fine of Rs. 1000/- or both	Ditto	Ditto	Ditto.

[Vide Himachal Pradesh Act 15 of 2006, s. 3]

Himachal Pradesh

Amendment of Central Act No. 2 of 1947. —In the First Schedule to the Code of Criminal Procedure, 1973, under the heading “ OFFENCES UNDER THE INDIAN PENAL CODE”, in its application to the State of Himachal Pradesh, against the entries relating to section 304-AA, under column 2, for the words “a public service vehicle”, the words “any vehicle” shall be substituted.

[Vide Himachal Pradesh Act 7 of 2012, s. 3.]

Jammu and Kashmir and Ladakh (UTs).—

1	2	3	4	5	
354E	Sextortion	Imprisonment of not less than 3 years but which may extend to five years and with fine	Cognizable	Non-bailable	Magistrate of the First Class

[vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, vide notification No. S.O. 1123(E) dated (18-3-2020).]

Orissa

Amendment of First Schedule.—In the First Schedule to the said Code, in the entry under column 5 relating to section 354 of the Indian Penal Code, 1860 (45 of 1860) for the word “Bailable” the word “non-bailable” shall be substituted.

[Vide Orissa Act 6 of 1995, s. 3]

Amendment of First Schedule.— In the first Schedule to the principal Act, for the existing entries relating to sections 272, 273, 274, 275 and 276, the following entries shall respectively be substituted , namely:—

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable non-bailable or	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
272.	Adulterating food or drink intended For sale, or as to make the same noxious.	Imprisonment for life and fine.	Cognizable	Non-bailable	Court of Session.
273.	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto
274.	Adulterating any drug or medical Preparation intended for sale so as to Lessen its efficacy, or to change its Operation, or to make it noxious.	Ditto	Ditto	Ditto	Ditto
275.	Offering for sale or issuing from a dispensary and drug or medical preparation known to have been adulterated.	Imprisonment for life and fine	Cognizable	Non-bailable	Court for session.
276.	knowingly selling or issuing from A dispensary and drug or medical Preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto

[Vide Orissa Act 6 of 2004, s. 3]

Andhra Pradesh and Telangana

Amendment of First Schedule, Central Act 2 of 1974.- In the Code of Criminal Procedure, 1973, in the First Schedule, under the heading captioned “I-Offences under the Indian Penal Code”,-

(i) against the entry relating to section 354 in column 3 for the expression “imprisonment for 2 years, or fine, or both”, the expression , “imprisonment for 7 years and fine”, and in column 5 for the word “Bailable”, the words “Non-bailable”, and in column 6 for the words “any Magistrate”, the words “court of session”, shall respectively be substituted;

(ii) against the entries relating to section 355 in column 3 for the word “Ditto” the expression “imprisonment for 2 years, or fine or both”, and in column 5 for the word “Ditto”, the word “Bailable” and in column 6 for the word “Ditto”, the words “Any Magistrate”, shall respectively be substituted;

(iii) against the entries relating to section 494 in column 4 for the word “Ditto”, the word “cognizable” and in column 5 for the word “Bailable”, the words “Non-bailable” shall respectively be substituted;

(iv) against the entries relating to section 495 in column 4 for the word “Ditto”, the word “cognizable” and in column 5 for the word “Ditto”, the words “Non-bailable” shall respectively be substituted;

(v) against the entries relating to section 496 in column 4 for the word “Ditto”, the word “Cognizable” and in column 5 for the word “Ditto”, the words “Non-bailable” shall respectively be substituted;

(vi) against the entries relating to section 497 in column 4 for the word “Ditto”, the words “Non-cognizable” and in column 5 for the word “Ditto”, the word “Bailable” shall respectively be substituted.

[Vide Andhra Pradesh Act 3 of 1992, s. 2]

Uttar Pradesh

Amendment of the First Schedule to Act no. 2 of 1974. –In the Code of Criminal Procedure, 1973, in the First Schedule, for the existing entries against sections 272, 273, 274, 275 and 276, the following entries shall be substituted in Columns 2,3,4,5 and 6 respectively, namely:-

“272	Adulterating food or drink intended for sale, so as to make the same noxious.	Imprisonment for life, with or without fine.	Cognizable	Non-bailable	Court of session
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to make it noxious.	Ditto	Ditto	Ditto	Ditto
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Imprisonment for life, with or without fine.	Cognizable	Non-bailable	Court of session
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	Ditto	Ditto	Ditto	Ditto

[Vide Uttar Pradesh Act 47 of 1975, s. 4]

Uttar Pradesh

In the First Schedule to the said Code, in the entries relating to section 363 of the Indian Penal Code, in column 5, for the existing words, the words “Non-bailable” shall be substituted.

[Vide Uttar Pradesh Act 1 of 1984, s. 12]