



Introduction and Familiarisation of the Bharatiya Nagarik Suraksha Sanhita, 2023

(No.46 of 2023 dated.25.12.2023 w.e.f 01-07-2024, vide SO 848(E), dt.23.02.2024)

GRATITUDE

SRI. MANOJ ABRAHAM IPS

Additional Director General of Police (Int)

SRI. R. MAHESH IPS

Superintendent of Police –Admin

State Special Branch HQrs

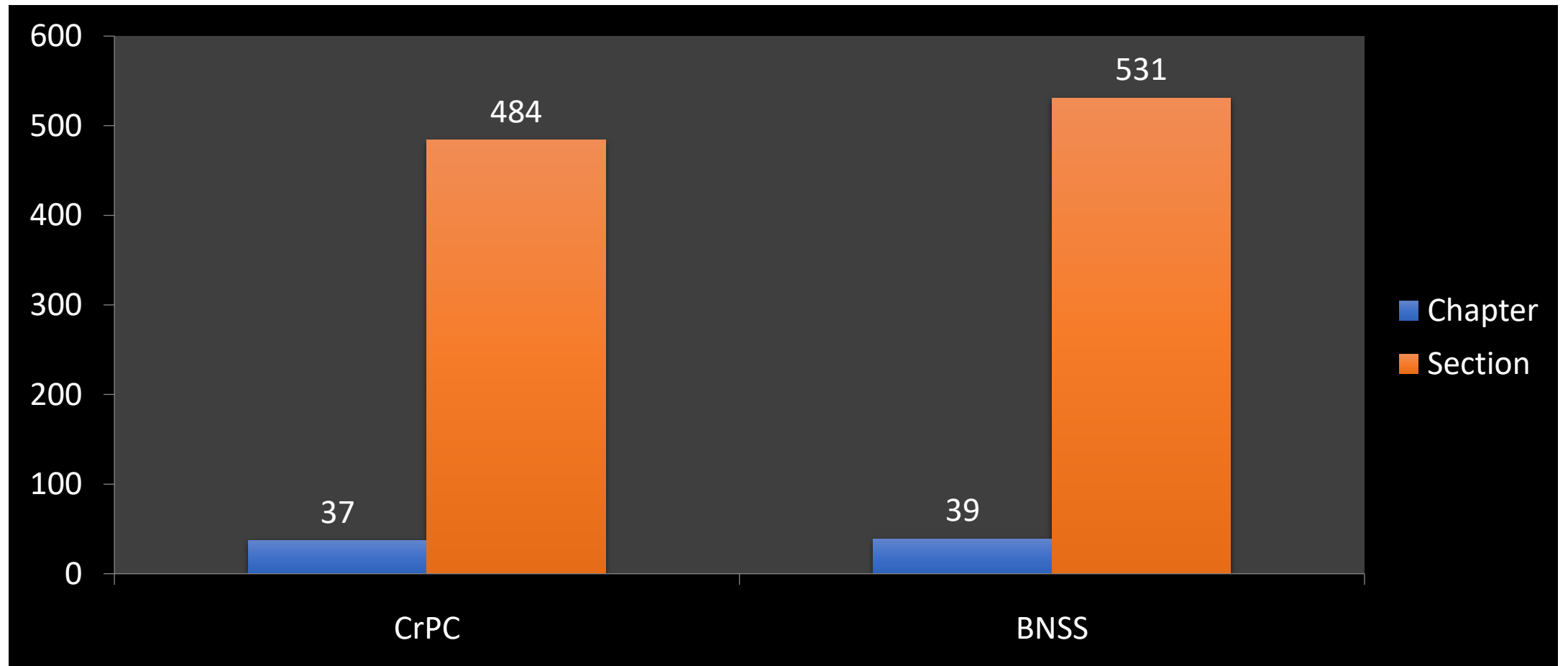
Highlights of the BNSS, 2023

- Introduction of e – platform
- Introduction of time lines for speedy justice
- Introduction of community service as punishment
- Strengthening of Prosecution
- Trial in absentia
- Attachment of proceeds of crime and its distribution
- Victim - centric approach
- Involvement of scientific experts at the scene of crime.
- Witness protection scheme.
- Custody and disposal of property pending trial.
- Provision for mercy petition.

AMENDMENTS AT GLANCE, BNSS

- Total 9 new sections have been added
- Total 39 new sub-sections/clauses have been added
- Total 44 new provisos and explanations have been added
- Total 177 provisions are modified
- In 35 places audio-video electronic/videography means are introduced.
- In 35 places timeline is introduced to provide speedy delivery of justice
- Total 14 Provisions have been deleted

Structural Comparison of CrPC and BNSS



Note : - Most of the provisions of CrPC are retained and renumbered in BNSS.

COMPARATIVE ANALYSIS OF
THE CODE OF CRIMINAL PROCEDURE 1973
AND
BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023

CHAPTER I - PRELIMINARY

- This Chapter contains Sections from 1 to 5
- The definition of audio video electronic means , bail, bail bond , bond and electronic communication were introduced
- The definition of India , Metropolitan area , Pleader and Prescribed were deleted.
- An explanation in the definition of the investigation is added.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
1	Short title, extent and commencement	1	Short title, extent and commencement
2	Definitions	2	Definitions - Changes
3	Construction of references	3	Construction of references
4	Trial of offences under the Indian Penal Code and other laws	4	Trial of offences under Bhartiya Nyaya Sanhita and other laws
5	Saving	5	Saving

Chapter II - CONSTITUTION OF CRIMINAL COURTS AND OFFICES

- This Chapter contains Section 6 to 20
- District Directorate of Prosecution in every district , Eligibility of Assistant Directorate of Prosecution, Powers and Functions of Director of Prosecution, Deputy Director of Prosecution , Assistant Director of Prosecution to Monitor cases are included.
- Subordination of Assistant Sessions Judge , Metropolitan areas and Court of Metropolitan Magistrates, etc are deleted(Sec 8,10,16,17,18,19,27 CrPC are deleted)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
6	Classes of Criminal Courts	6	Classes of Criminal Courts.
7	Territorial divisions	7	Territorial divisions
9	Court of Session	8	Court of Session Modification – Sec 8(3) and 8(5)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
11	Courts of Judicial Magistrates	9	Courts of Judicial Magistrates
12	Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc.	10	Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc.
13	Special Judicial Magistrates	11	Special Judicial Magistrates Sec 11(1)- modification.
14	Local jurisdiction of Judicial Magistrates	12	Local jurisdiction of Judicial Magistrates Sec 12(3)- modification.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
15	Subordination of Judicial Magistrates	13	Subordination of Judicial Magistrates
20	Executive Magistrates	14	Executive Magistrates - Sec 14(1) & 14(6)- modification
21	Special Executive Magistrates	15	Special Executive Magistrates - Modification
22	Local jurisdiction of Executive Magistrates	16	Local Jurisdiction of Executive Magistrates

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
23	Subordination of Executive Magistrates	17	Subordination of Executive Magistrates Sec 17(1) Modification.
24	Public Prosecutors	18	Public Prosecutors New proviso added in 18(1), Modification in 18(6)
25	Assistant Public Prosecutors	19	Assistant Public Prosecutors Modification -1 (Sec 19(3)) and timeline introduced. (14 days notice)
25A	Directorate of Prosecution	20	Directorate of Prosecution <u>New sub section added – 6 nos</u> Modification – 5 (20(2)(a), 20(3),20(4),20(6),20(11))

BNSS. S. 20 - Directorate of Prosecution.

- 20. (1) The State Government may establish,—
 - (b) a District Directorate of Prosecution in every district consisting of as many Deputy Directors and Assistant Directors of Prosecution, as it thinks fit
- (7) The powers and functions of the Director of Prosecution shall be to monitor cases in which offences are punishable for ten years or more, or with life imprisonment, or with death; to expedite the proceedings and to give opinion on filing of appeals.
- (8) The powers and functions of the Deputy Director of Prosecution shall be to examine and scrutinise police report and monitor the cases in which offences are punishable for seven years or more, but less than ten years, for ensuring their expeditious disposal.

Continue...

- (9) The functions of the Assistant Director of Prosecution shall be to monitor cases in which offences are punishable for less than seven years.
- 10) Notwithstanding anything contained in sub-sections (7), (8) and (9), the Director, Deputy Director or Assistant Director of Prosecution shall have the power to deal with and be responsible for all proceedings under this Sanhita

Chapter III - POWER OF COURTS

- This Chapter contains Sec 21 to 29.
- The term “ Community Service” is mentioned in Sec 23 BNSS.
- Metropolitan area, Metropolitan Magistrate and Asst Session Judge deleted.
- Magistrates’ power to impose fine is increased.
- Sec 27 CrPC(Jurisdiction in the case of Juveniles) is deleted.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
26	Courts by which offences are triable	21	Courts by which offences are triable
28	Sentences which High Courts and Sessions Judges may pass	22	Sentences which High Courts and Sessions Judges may pass Modification- Assistant Sessions Judge deleted.
29	Sentences which Magistrates may pass	23	Sentences which Magistrates may pass Modification- 2 and explanation 1
30	Sentence of imprisonment in default of fine	24	Sentence of imprisonment in default of fine

BNSS – S. 23- Sentences which Magistrates may pass

S. 23.

- (2) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or of fine not exceeding fifty thousand rupees, or of both, or of community service.
- (3) The Court of Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding ten thousand rupees, or of both, or of community service.
- Explanation.—"Community service" shall mean the work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
31	Sentence in cases of conviction of several offences at one trial	25	Sentence in cases of conviction of several offences at one trial Modification 2
32	Mode of conferring powers	26	Mode of conferring powers
33	Powers of officers appointed	27	Powers of officers appointed
34	Withdrawal of powers	28	Withdrawal of powers
35	Powers of Judges and Magistrates exercisable by their successors-in-office	29	Powers of Judges and Magistrates exercisable by their successors-in-office Modification 1

Chapter IV - POWERS OF SUPERIOR OFFICERS OF POLICE AND AID TO THE MAGISTRATES AND THE POLICE

- This Chapter contains sec 30 to 34
- There is no changes in this Chapter and sections are retained and renumbered as shown.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
36	Powers of superior officers of police	30	Powers of superior officers of police
37	Public when to assist Magistrates and police	31	Public when to assist Magistrates and police
38	Aid to person, other than police officer, executing warrant	32	Aid to person, other than police officer, executing warrant
39	Public to give information of certain offences	33	Public to give information of certain offences
40	Duty of officers employed in connection with the affairs of a village to make certain report	34	Duty of officers employed in connection with the affairs of a village to make certain report

CHAPTER V - ARREST OF PERSONS

- This Chapter contains sec 35 to 62
- Provision of hand cuffing is introduced.
- No arrest without prior permission of DySP in offences punishable less than 3 years if the person is infirm or sixty years above.
- Registered medical practitioner while examining the accused to forward the examination report to IO without any delay.
- Medical officer can do one more examination if required on the accused.
- A designated police officer in every district not below the rank of ASI to furnish arrest details.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
41, 41A	When police may arrest without warrant(41) Notice of appearance before police officer (41A)	35	When police may arrest without warrant <u>New subsection added – 1`</u> 41 A CrPC ↔ 35(3),(4),(5),(6)
41B	Procedure of arrest and duties of officer making arrest	36	Procedure of arrest and duties of officer making arrest

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
41C	Control room at districts	37	Designated Police Officer <u>Modification – 1</u>
41D	Right of arrested person to meet an advocate of his choice during interrogation	38	Right of arrested person to meet an advocate of his choice during interrogation
42	Arrest on refusal to give name and residence	39	Arrest on refusal to give name and residence Modification -2 (Sec 39(2) and (3) – Change made with respect to release on bond or bail bond
43	Arrest by private person and procedure on such arrest	40	Arrest by private person and procedure on such arrest Timeline of 6 hrs is introduced

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
44	Arrest by Magistrate	41	Arrest by Magistrate
45	Protection of members of the Armed Forces from arrest	42	Protection of members of the Armed Forces from arrest
46	Arrest how made	43	Arrest how made New sub section added- 1
47	Search of place entered by person sought to be arrested	44	Search of place entered by person sought to be arrested

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
48	Pursuit of offenders into other jurisdictions	45	Pursuit of offenders into other jurisdictions
49	No unnecessary restraint	46	No unnecessary restraint
50	Person arrested to be informed of grounds of arrest and of right to bail	47	Person arrested to be informed of grounds of arrest and of right to bail
50A	Obligation of person making arrest to inform about the arrest, etc., to a nominated person	48	Obligation of person making arrest to inform about the arrest, etc., to relative or friend Modification - 1

BNSS. S 48 - Obligation of person making arrest to inform about arrest, etc., to relative or friend.

- 48. (1) Every police officer or other person making any arrest under this Sanhita shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his relatives, friends or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information and also to the designated police officer in the district.

(Underline is Modified)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
51	Search of arrested person	49	Search of arrested person
52	Power to seize offensive weapons	50	Power to seize offensive weapons Modification – “ Immediately after the arrest is made take from the person arrested any offensive weapons which he has about his person.....”
53	Examination of accused by medical practitioner at the request of police officer	51	Examination of accused by medical practitioner at the request of police officer <u>Sub clause added – 1, Modification 2,</u>
53A	Examination of person accused of rape by medical practitioner	52	Examination of person accused of rape by medical practitioner <u>Modification - 1</u>

Examination of person accused of Rape by Medical Practitioner – S 52 (CrPC 53 A)

New modification – 1

52(1) - When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometers from the place where the offence has been committed, by any other registered medical practitioner, **acting at the request of any police officer**, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonable necessary for that purpose.

Modified – not below the rank of SI is changed to any police officer.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
54	Examination of arrested person by medical officer	53	Examination of arrested person by medical officer New proviso - 1
54A	Identification of person arrested	54	Identification of person arrested Modification 1
55	Procedure when police officer deposes subordinate to arrest without warrant	55	Procedure when police officer deposes subordinate to arrest without warrant
55A	Health and safety of arrested person	56	Health and safety of arrested person

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
56	Person arrested to be taken before Magistrate or officer in charge of police station	57	Person arrested to be taken before Magistrate or officer in charge of police station
57	Person arrested not to be detained more than twenty-four hours	58	Person arrested not to be detained more than twenty-four hours Modification 1
58	Police to report apprehensions	59	Police to report apprehensions
59	Discharge of person apprehended	60	Discharge of person apprehended Modification 1
60	Power, on escape, to pursue and retake	61	Power, on escape, to pursue and retake
60A	Arrest to be made strictly according to the Code	62	Arrest to be made strictly according to the Sanhita

CHAPTER VI - PROCESSES TO COMPEL APPEARANCE

- This Chapter contains sec 63 to 93
- A new section (86 BNSS) is introduced to identify and attach the property of proclaimed offenders.
- Electronic means were added for process service
- Scope of declaring proclaimed offender is increased. Now all offences having punishment for 10 years or more are included.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
61	Form of summons	63	Form of summons New subsection - 1
62	Summons how served	64	Summons how served New provsio - 2

Form of summons- S.63 (CrPC 61)

New subsection/clauses- 1 (New electronic means added)

63(ii) - Every summons issued by the Court shall be in an encrypted or other electronic communication and shall bear the image of the seal of the Court or digital signature.

Summons how served - S. 64 (CrPC 62)

New proviso – 2

64(1) - Provided that the police station or the registrar in the Court shall maintain a register to enter the address, email address, phone number and such other details as the State Government may by rules, provide.

64(2) - Provided that summons bearing the image of Court's seal may also be served by electronic communication in such form and in such manner as the State Government may by rules, provide (**new electronic means added**)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
63	Service of summons on corporate bodies and societies	65	Service of summons on corporate bodies, firms, and societies New sub section 1 Modification 1
64	Service when persons summoned cannot be found	66	Service when persons summoned cannot be found Modification 1 (Reference to 'adult male' deleted)
65	Procedure when service cannot be effected as before provided	67	Procedure when service cannot be effected as before provided
66	Service on Government servant	68	Service on Government servant

Service of summons on corporate bodies, firms, and societies - S. 65(CrPC 63)

New sub section/clauses - 1

65(2) - Service of summons on firms or other association of individuals

New modification – 1

65(1) - Service of a summons on a company or corporation may be effected by serving it on the **Director, Manager, Secretary** or other officer of the company or corporation, or by letter sent by registered post addressed to the **Director, Manager, Secretary** or other officer of the company or corporation in India, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.



Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
67	Service of summons outside local limits	69	Service of summons outside local limits
68	Proof of service in such cases and when serving officer not present	70	Proof of service in such cases and when serving officer not present Sub section added – 1 (Electronic means added)
69	Service of summons on witness by post	71	Service of summons on witness by post Modification 2 (Electronic means added)
70	Form of warrant of arrest and duration	72	Form of warrant of arrest and duration

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
71	Power to direct security to be taken	73	Power to direct security to be taken Modification 1 (bond is modified into bail bond)
72	Warrants to whom directed	74	Warrants to whom directed
73	Warrant may be directed to any person	75	Warrant may be directed to any person
74	Warrant directed to police officer	76	Warrant directed to police officer

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
75	Notification of substance of warrant	77	Notification of substance of warrant
76	Person arrested to be brought before Court without delay	78	Person arrested to be brought before Court without delay
77	Where warrant may be executed	79	Where warrant may be executed
78	Warrant forwarded for execution outside jurisdiction	80	Warrant forwarded for execution outside jurisdiction

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
79	Warrant directed to police officer for execution outside jurisdiction	81	Warrant directed to police officer for execution outside jurisdiction
80	Procedure on arrest of person against whom warrant issued	82	Procedure on arrest of person against whom warrant issued New sub section added - 1
81	Procedure by Magistrate before whom such person arrested is brought	83	Procedure by Magistrate before whom such person arrested is brought Modification 1 (Change made with respect to bond or bail bond)
82	Proclamation for person absconding	84	Proclamation for person absconding Modification 1

Proclamation for person absconding S. 84 (CrPC 82)

New modification -1

84(4)- Where a proclamation published under sub-section (1) is in respect of a person accused of an offence which is made punishable with imprisonment of ten years or more, or imprisonment for life or with death under the Bharatiya Nyaya Sanhita, 2023 or under any other law for the time being in force, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

Note : The sections of IPC mentioned in 82(4) CrPC is changed to the underlined above.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
83	Attachment of property of person absconding	85	Attachment of property of person absconding
		86	Identification and attachment of property of proclaimed person New section added - 1
84	Claims and objections to attachment	87	Claims and objections to attachment
85	Release, sale and restoration of attached property	88	Release, sale and restoration of attached property

86. Identification and attachment of property of proclaimed person (New section added)

The Court may, on the written request from a police officer not below the rank of the Superintendent of Police or Commissioner of Police, initiate the process of requesting assistance from a Court or an authority in the contracting State for identification, attachment and forfeiture of property belonging to a proclaimed person in accordance with the procedure provided in Chapter VIII.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
86	Appeal from order rejecting application for restoration of attached property	89	Appeal from order rejecting application for restoration of attached property
87	Issue of warrant in lieu of, or in addition to, summons	90	Issue of warrant in lieu of, or in addition to, summons
88	Power to take bond for appearance	91	Power to take bond for appearance Modification 1 (Change made with respect to bond or bail bond)
89	Arrest on breach of bond for appearance	92	Arrest on breach of bond for appearance Modification 1 (Change made with respect to bond or bail bond)
90	Provisions of this Chapter generally applicable to summonses and warrants of arrest	93	Provisions of this Chapter generally applicable to summonses and warrants of arrest

CHAPTER VII - PROCESSES TO COMPEL THE PRODUCTION OF THINGS

- This Chapter contains Sec 94 to 110

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
91	Summons to produce document or other thing	94	Summons to produce document or other thing Modification 1
92	Procedure as to letters and telegrams	95	Procedure as to letters and telegrams Modification 1 (Reference to ' Telegraph' deleted)
93	When search warrant may be issued	96	When search-warrant may be issued Modification 1 (Reference to ' Telegraph' deleted)

Summons to produce document or other thing- S. 94 (CrPC 91)

New modification -1

94(1) - 94. (1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order. (**Electronic means added**)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
94	Search of place suspected to contain stolen property, forged documents, etc.	97	Search of place suspected to contain stolen property, forged documents, etc. Modification 1 - (Reference to Metal Tokens Act, 1889 replaced with coinage Act,2011)
95	Power to declare certain publications forfeited and to issue search warrants for the same	98	Power to declare certain publications forfeited and to issue search-warrants for the same
96	Application to High Court to set aside declaration of forfeiture	99	Application to High Court to set aside declaration of forfeiture
97	Search for persons wrongfully confined	100	Search for persons wrongfully confined

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
98	Power to compel restoration of abducted females	101	Power to compel restoration of abducted females Modification 1
99	Direction, etc., of search warrants	102	Direction, etc., of searchwarrants
100	Persons in charge of closed place to allow search	103	Persons in charge of closed place to allow search
101	Disposal of things found in search beyond jurisdiction	104	Disposal of things found in search beyond jurisdiction

Power to compel restoration of abducted females- S. 101 (CrPC 98)

New modification -1

Upon complaint made on oath of the abduction or unlawful detention of a woman, or a female child for any unlawful purpose, a District Magistrate, Subdivisional Magistrate or Magistrate of the first class may make an order for the immediate restoration of such woman to her liberty, or of such female child to her, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order using such force as may be necessary

Note :In CrPC the immediate restoration of such female child to her husband, parent etc were mentioned . IN BNSS the husband is deleted and the female child can only be restored to the persons mentioned and underlined above.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
---	---	105	Recording of search and seizure through audio-video electronic means New section 1
102	Power of Police Officer to seize certain property	106	Power of Police Officer to seize certain property
---	---	107	Attachment, forfeiture and restoration of property New section 1
103	Magistrate may direct search in his presence	108	Magistrate may direct search in his presence
104	Power to impound document, etc., produced	109	Power to impound document, etc., produced
105	Reciprocal arrangements regarding processes	110	Reciprocal arrangements regarding processes

Attachment, forfeiture or restoration of property. (S.107.)

New section added

(1) Where a police officer making an investigation has reason to believe that any property is derived or obtained, directly or indirectly, as a result of a criminal activity or from the commission of any offence, he may, with the approval of the Superintendent of Police or Commissioner of Police, make an application to the Court or the Magistrate exercising jurisdiction to take cognizance of the offence or commit for trial or try the case, for the attachment of such property.

- **107.(2)** - show cause notice to the concerned person within a period of 14 days by the Court
- **107(3)** – notice to any other person.
- **107(4)** – order of attachment.
- **107(5)** – interim order passed ex parte direct attachment.
- **107(6)** – order for distribution of attached property to the victims through District Magistrate
- **107(7)** – the district magistrate within in 60 days to distribute the proceeds of crime.
- **107(8)** – If no claimants – proceeds of crime to be forfeited to the Government.

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

- This chapter contains section 111 to 124
- There are no major changes in BNSS, Sections in CrPC are retained and renumbered.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
105 A	Definitions	111	Definitions
---	---	112	Letter of request to competent authority for investigation in a country or place outside India
---	---	113	Letter of request from a country or place outside India to a Court or an authority for investigation in India Modification – reference to Chief Metropolitan magistrate removed.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
105 B	Assistance in securing transfer of persons	114	Assistance in securing transfer of persons
105 C	Assistance in relation to orders of attachment or forfeiture of property	115	Assistance in relation to orders of attachment or forfeiture of property
105 D	Identifying unlawfully acquired property	116	Identifying unlawfully acquired property

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
105 E	Seizure or attachment of property	117	Seizure or attachment of property
105 F	Management of properties seized or forfeited under this Chapter	118	Management of properties seized or forfeited under this Chapter
105 G	Notice of forfeiture of property	119	Notice of forfeiture of property
105 H	Forfeiture of property in certain cases	120	Forfeiture of property in certain cases

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
105-I	Fine in lieu of forfeiture	121	Fine in lieu of forfeiture
105J	Certain transfers to be null and void	122	Certain transfers to be null and void
105K	Procedure in respect of letter of request	123	Procedure in respect of letter of request
105L	Application of this Chapter	124	Application of this Chapter

CHAPTER IX - SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

- This chapter contains section 125 to 143
- There are no major changes in BNSS, Sections in CrPC are retained and renumbered

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
106	Security for keeping the peace on conviction	125	Security for keeping the peace on conviction Modification 1 - Change made with respect to bond or bail bond
107	Security for keeping the peace in other cases	126	Security for keeping the peace in other cases Modification 1 - Change made with respect to bond or bail bond
108	Security for good behaviour from persons disseminating seditious matters	127	Security for good behaviour from persons disseminating seditious matters Modification 1 - Change made with respect to bond or bail bond
109	Security for good behaviour from suspected persons	128	Security for good behaviour from suspected persons Modification 1 - Change made with respect to bond or bail bond

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
110	Security for good behaviour from habitual offenders	129	Security for good behaviour from habitual offenders Modification 1 - Change made with respect to bond or bail bond
111	Order to be made	130	Order to be made Modification 1
112	Procedure in respect of person present in Court	131	Procedure in respect of person present in Court
113	Summons or warrant in case of person not so present	132	Summons or warrant in case of person not so present

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
114	Copy of order to accompany summons or warrant	133	Copy of order to accompany summons or warrant
115	Power to dispense with personal attendance	134	Power to dispense with personal attendance Modification 1 (Pleader replaced with advocate)
116	Inquiry as to truth of information	135	Inquiry as to truth of information Modification 1 - Change made with respect to bond or bail bond
117	Order to give security	136	Order to give security Modification 2 (Change made with respect to bond or bail bond and minor replaced with child)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
118	Discharge of person informed against	137	Discharge of person informed against
119	Commencement of period for which security is required	138	Commencement of period for which security is required
120	Contents of bond	139	Contents of bond Modification 1 - Change made with respect to bond or bail bond
121	Power to reject sureties	140	Power to reject sureties Modification 1 - Change made with respect to bond or bail bond

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
122	Imprisonment in default of security	141	Imprisonment in default of security Modification 1 - Change made with respect to bond or bail bond
123	Power to release persons imprisoned for failing to give security	142	Power to release persons imprisoned for failing to give security
124	Security for unexpired period of bond	143	Security for unexpired period of bond Modification 1 - Change made with respect to bond or bail bond

CHAPTER X - ORDER FOR MAINTENANCE OF WIVES, CHILDREN AND PARENTS

- This section contains section 144 to 147
- There are no major changes in BNSS, Sections in CrPC are retained and renumbered

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
125	Order for maintenance of wives, children and parents	144	Order for maintenance of wives, children and parents
126	Procedure	145	Procedure
127	Alteration in allowance	146	Alteration in allowance
128	Enforcement of order of maintenance	147	Enforcement of order of maintenance

CHAPTER XI -MAINTENANCE OF PUBLIC ORDER AND TRANQUILLITY

This section contains section 148 to 167

There are some slight changes from CrPC in this area.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
129	Dispersal of assembly by use of civil force	148	Dispersal of assembly by use of civil force Modification 1
130	Use of armed forces to disperse assembly	149	Use of armed forces to disperse assembly Modification 1
131	Power of certain armed force officers to disperse assembly	150	Power of certain armed force officers to disperse assembly
132	Protection against prosecution for acts done under preceding sections	151	Protection against prosecution for acts done under sections 148, 149 and 150
133	Conditional order for removal of nuisance	152	Conditional order for removal of nuisance

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
134	Service or notification of order	153	Service or notification of order
135	Person to whom order is addressed to obey or show cause	154	Person to whom order is addressed to obey or show cause Modification 1 - electronic means added
136	Consequences of his failing to do so	155	Consequences of his failing to do so
137	Procedure where existence of public right is denied	156	Procedure where existence of public right is denied

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
138	Procedure where he appears to show cause	157	Procedure where he appears to show cause New proviso – 1 , timeline 1
139	Power of Magistrate to direct local investigation and examination of an expert	158	Power of Magistrate to direct local investigation and examination of an expert
140	Power of Magistrate to furnish written instructions, etc.	159	Power of Magistrate to furnish written instructions, etc.
141	Procedure on order being made absolute and consequences of disobedience	160	Procedure on order being made absolute and consequences of disobedience

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
142	Injunction pending inquiry	161	Injunction pending inquiry
143	Magistrate may prohibit repetition or continuance of public nuisance	162	Magistrate may prohibit repetition or continuance of public nuisance Modification 1
144	Power to issue order in urgent cases of nuisance or apprehended danger	163	Power to issue order in urgent cases of nuisance or apprehended danger
145	Procedure where dispute concerning land or water is likely to cause breach of peace	164	Procedure where dispute concerning land or water is likely to cause breach of peace

Magistrate may prohibit repetition or continuance of public nuisance- S. 162 (CrPC 143).

New modification- 1

A District Magistrate or Sub-divisional Magistrate, or any other Executive Magistrate or **Deputy Commissioner of Police** empowered by the State Government or the District Magistrate in this behalf may order any person not to repeat or continue a public nuisance, as defined in the Bharatiya Nyaya Sanhita, 2023, or any special or local law

Note :**Underlined point is added and modified. .**

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
146	Power to attach subject of dispute and to appoint receiver	165	Power to attach subject of dispute and to appoint receiver
147	Dispute concerning right of use of land or water	166	Dispute concerning right of use of land or water
148	Local inquiry	167	Local inquiry

CHAPTER XII - PREVENTIVE ACTION OF THE POLICE

This Chapter contains Sec 168 to 172

New section added 172

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
149	Police to prevent cognizable offences	168	Police to prevent cognizable offences
	Information of design to commit cognizable offences	169	Information of design to commit cognizable offences
151	Arrest to prevent the commission of cognizable offences	170	Arrest to prevent the commission of cognizable offences
152	Prevention of injury to public property	171	Prevention of injury to public property
---	---	172	Persons bound to confirm to lawful directions of Police New section added -1

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

New section added.

- (1) All persons shall be bound to conform to the lawful directions of a police officer given in fulfillment of any of his duty under this Chapter.
- (2) A police officer may detain or remove any person resisting, refusing, ignoring or disregarding to conform to any direction given by him under sub-section (1) and may either take such person before a Magistrate or, in petty cases, release him as soon as possible within a period of twenty-four hours.

CHAPTER XIII - INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE

This Chapter contains Sec 173 to 196

- Zero FIR – Zero FIR is explained in the booklet of MHA which states that “ if information received by the police discloses commission of an offence outside the limits of a police station , it shall be entered in the book and a copy of the report will be given to the informant. The police will also inform him/her about the police station to which such information has been forwarded. (Page 144 Sl no 25)
- e FIR -
- Preliminary enquiry report
- Magistrate power u/s 156(3) CrPC is modified significantly

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
154	Information in cognizable cases	173	Information in cognizable cases New subsection 2 Modification 2
155	Information as to noncognizable cases and investigation of such cases	174	Information as to noncognizable cases and investigation of such cases New subsection 1 .
156	Police officer's power to investigate cognizable cases	175	Police officer's power to investigate cognizable case New sub section 1 Proviso 1 Modification 1
157	Procedure for investigation	176	Procedure for investigation New sub section1 Modification1 New proviso 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
158	Report how submitted	177	Report how submitted
159	Power to hold investigation or preliminary inquiry	178	Power to hold investigation or preliminary inquiry
160	Police officer's power to require attendance of witnesses	179	Police officer's power to require attendance of witnesses New proviso – 1 Modification 1
161	Examination of witnesses by police	180	Examination of witnesses by police

Police officer's power to require attendance of witnesses - S. 179 (CrPC 160)

New proviso - 1

179(1) - Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.

New modification - 1

179(1) - Proviso: Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such an resides.

Note : 65 age reduced to 60.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
162	Statements to police not to be signed – Use of statements in evidence	181	Statements to police not to be signed: Use of statements in evidence
163	No inducement to be offered	182	No inducement to be offered
164	Recording of confessions and statements	183	Recording of confessions and statements Proviso – 2
164A	Medical examination of the victim of rape	184	Medical examination of the victim of rape Modification 1 Timeline 1

BNSS. S. 183- Recording of confessions and statements

- (6) (a) In cases punishable under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023, the Magistrate shall record the statement of the person against whom such offence has been committed in the manner specified in sub-section (5), as soon as the commission of the offence is brought to the notice of the police:
 - Provided that such statement shall, as far as practicable, be recorded by a woman Magistrate and in her absence by a male Magistrate in the presence of a woman:
 - Provided further that in cases relating to the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the police officer:



BNSS. S .184 - Medical examination of victim of rape.

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

Note : “without delay” in CrPC is modified to seven days in BNSS.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
165	Search by police officer	185	Search by police officer Modification 2 Timeline 1
166	When officer in charge of police station may require another to issue search warrant	186	When officer in charge of police station may require another to issue search-warrant
167	Procedure when investigation cannot be completed in twentyfour hours	187	Procedure when investigation cannot be completed in twenty four hours Modification 2 Timeline 1
168	Report of investigation by subordinate police officer	188	Report of investigation by subordinate police officer

BNSS. S. 187 - Procedure when investigation cannot be completed in twenty-four hours.

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

- 187(3)(i) - **ninety days**, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more (**timeline**)
- **187(5) - Provided further that no person shall be detained otherwise than in police station under police custody or in prison under judicial custody or a place declared as prison by the Central Government or the State Government. (Proviso added)**

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
169	Release of accused when evidence deficient	189	Release of accused when evidence deficient Modification(Change bail to bail bond)
170	Cases to be sent to Magistrate when evidence is sufficient	190	Cases to be sent to Magistrate, when evidence is sufficient Proviso added 1
171	Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint	191	Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint
172	Diary of proceedings in investigation	192	Diary of proceedings in investigation

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

- 190(1) - Provided that if the accused is not in custody, the police officer shall take security from such person for his appearance before the Magistrate and the Magistrate to whom such report is forwarded shall not refuse to accept the same on the ground that the accused is not taken in custody. (new provsio added)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
173	Report of police officer on completion of investigation	193	Report of police officer on completion of investigation Newly Sub section added 2 New sub section added 2 Proviso added 1 Modification- 2
174	Police to enquire and report on suicide, etc.	194	Police to enquire and report on suicide, etc. Modification 1
175	Power to summon persons	195	Power to summon persons Proviso added 1
176	Inquiry by Magistrate into cause of death	196	Inquiry by Magistrate into cause of death Modification (Reference to metropolitan removed)

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

194(2) - The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forwarded to the District Magistrate or the Sub-divisional Magistrate within **twenty-four hours**. (**Modification is timeline**)



BNSS. S. 195 - Power to summon persons.

- 195 (1) - Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place where such person resides:
Provided further that if such person is willing to attend and answer at the police station, such person may be permitted so to do.

(2 Provsios added)

CHAPTER XIV - JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS

- This chapter contains Sec 197 to 222

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
177	Ordinary place of inquiry and trial	197	Ordinary place of inquiry and trial
178	Place of inquiry or trial	198	Place of inquiry or trial
179	Offence triable where act is done or consequence ensues	199	Offence triable where act is done or consequence ensues
180	Place of trial where act is an offence by reason of relation to other offence	200	Place of trial where act is an offence by reason of relation to other offence

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
181	Place of trial in case of certain offences	201	Place of trial in case of certain offences Modification 1 (Reference to thug removed)
182	Offences committed by letters, etc.	202	Offences committed by means of electronic communications, letters, etc. Modification 1 (Electronic communication added)
183	Offence committed on journey or voyage	203	Offence committed on journey or voyage
184	Place of trial for offences triable together	204	Place of trial for offences triable together

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
185	Power to order cases to be tried in different sessions divisions	205	Power to order cases to be tried in different sessions divisions
186	High Court to decide, in case of doubt, district where inquiry or trial shall take place	206	High Court to decide, in case of doubt, district where inquiry or trial shall take place
187	Power to issue summons or warrant for offence committed beyond local jurisdiction	207	Power to issue summons or warrant for offence committed beyond local jurisdiction Modification 1 (Change made with respect to bond or bail bond)
188	Offence committed outside India	208	Offence committed outside India Modification 1
189	Receipt of evidence relating to offences committed outside India	209	Receipt of evidence relating to offences committed outside India Modification 1

BNSS. S. 208 - Offence committed outside India

- 208. When an offence is committed outside India—
- (a) by a citizen of India, whether on the high seas or elsewhere; or
- (b) by a person, not being such citizen, on any ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found or where the offence is registered in India: (Modified)
- .

BNSS. S. 209- Receipt of evidence relating to offences committed outside India

- 209. When any offence alleged to have been committed in a territory outside India is being inquired into or tried under the provisions of section 208, the Central Government may, if it thinks fit, direct that copies of depositions made or exhibits produced, either in physical form or in electronic form, before a judicial officer, in or for that territory or before a diplomatic or consular representative of India in or for that territory shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.
- Modification – Underline newly added.

CHAPTER XV - CONDITIONS REQUISITE FOR INITIATION OF PROCEEDINGS

- This chapter contains section 210 to 222

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
190	Cognizance of offences by Magistrates	210	Cognizance of offences by Magistrates Modification 1
191	Transfer on application of the accused	211	Transfer on application of the accused
192	Making over of cases to Magistrates	212	Making over of cases to Magistrates

BNSS. S. 210- Cognizance of offences by Magistrate.

210.

- (1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence—
 - (a) upon receiving a complaint of facts, including any complaint filed by a person authorised under any special law, which constitutes such offence;
 - (b) upon a police report (submitted in any mode including electronic mode) of such facts;

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
193	Cognizance of offences by Courts of Session	213	Cognizance of offences by Courts of Session
194	Additional and Assistant Sessions Judges to try cases made over to them	214	Additional Sessions Judges to try cases made over to them Modification 1(reference to Asst Sessions Judge removed)
195	Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence	215	Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence Modification 3 (215 (1)(a), 215(2),215(3)
195A	Procedure for witnesses in case of threatening, etc.	216	Procedure for witnesses in case of threatening, etc.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
196	Prosecution for offences against the State and for criminal conspiracy to commit such offence	217	Prosecution for offences against the State and for criminal conspiracy to commit such offence
197	Prosecution of Judges and public servants	218	Prosecution of Judges and public servants Proviso 1
198	Prosecution for offences against marriage	219	Prosecution for offences against marriage Modification 1 (219 (1)(a) – Child under the age of 18 years replaced with child. Terms “Lunatic””idiot” replaced with “ person of unsound mind”
198A	Prosecution of offences under section 498A of the Indian Penal Code	220	Prosecution of offences under section 498A of the Bharatiya Nyaya Sanhita, 2023
198B	Cognizance of offence	221	Cognizance of offence
199	Prosecution for defamation	222	Prosecution for defamation Modification 1 (221 (1)- proviso modified) – Person under 18 yrs replaced with child) , Terms “Lunatic””idiot” replaced with “ person of unsound mind

BNSS. S. 218 - Prosecution of Judges and public servants.

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

(Proviso newly added)

CHAPTER XVI - COMPLAINTS TO MAGISTRATES

- This chapter contains Sec 223 to 226.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
200	Examination of complainant	223	Examination of complainant New sub section added- 1 Proviso added -1
201	Procedure by Magistrate not competent to take cognizance of the case	224	Procedure by Magistrate not competent to take cognizance of the case
202	Postponement of issue of process	225	Postponement of issue of process
203	Dismissal of complaint	226	Dismissal of complaint

BNSS. S . 223 - Examination of complainant.

- 223. (1) A Magistrate having jurisdiction while taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:

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

- (2) A Magistrate shall not take cognizance on a complaint against a public servant for any offence alleged to have been committed in course of the discharge of his official functions or duties unless—
 - (a) such public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged; and
 - (b) a report containing facts and circumstances of the incident from the officer superior to such public servant is received.

(New subsection added)

CHAPTER XVII - COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES

- This chapter contains section 227 to 233

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
204	Issue of process	227	Issue of process New Proviso 1(227(3) - summons and warrants can be issued electronically)
205	Magistrate may dispense with personal attendance of accused	228	Magistrate may dispense with personal attendance of accused
206	Special summons in cases of petty offence	229	Special summons in cases of petty offence Modification 2
207	Supply to the accused of copy of police report and other documents	230	Supply to the accused of copy of police report and other documents New Proviso added 1 (230 – Supply of documents in e-form shall be considered as duly furnished) Modification 2

BNSS. S. 230 - Supply to accused of copy of police report and other documents.

- S. 230(1) - In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay, and in no case beyond fourteen days from the date of production or appearance of the accused, furnish to the accused and **the victim** (if of each of the following
- 230 Proviso: Provided further that if the Magistrate is satisfied that any such document is voluminous, he shall, instead of furnishing the accused and **the victim** (if represented by an advocate) with a copy thereof, may furnish the copies **through electronic means** or direct that he will only be allowed to inspect it either personally or through advocate in Court: (**Two modifications**)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
208	Supply of copies of statements and documents to accused in other cases triable by court of session	231	Supply of copies of statements and documents to accused in other cases triable by Court of Session New Proviso added 1 (231 – Supply of documents in e-form shall be considered as duly furnished)
209	Commitment of case to Court of Session when offence is triable exclusively by it	232	Commitment of case to Court of Session when offence is triable exclusively by it Proviso added 1
210	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence	233	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence

BNSS. S. 232- Commitment of case to Court of Session when offence is triable exclusively by it.

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

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

(Two provisos newly added)

CHAPTER XVIII - THE CHARGE

- This chapter contains sections 234 to 247

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
211	Contents of charge	234	Contents of charge
212	Particulars as to time, place and person	235	Particulars as to time, place and person
213	When manner of committing offence must be stated	236	When manner of committing offence must be stated

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
214	Words in charge taken in sense of law under which offence is punishable	237	Words in charge taken in sense of law under which offence is punishable
215	Effect of errors	238	Effect of errors
216	Court may alter charge	239	Court may alter charge
217	Recall of witnesses when charge altered	240	Recall of witnesses when charge altered

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
218	Separate charges for distinct offences	241	Separate charges for distinct offences
219	Three offences of same kind within year may be charged together	242	Offences of same kind within year may be charged together Modification 1
220	Trial for more than one offence	243	Trial for more than one offence
221	Where it is doubtful what offence has been committed	244	Where it is doubtful what offence has been committed

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
222	When offence proved included in offence charged	245	When offence proved included in offence charged
223	What persons may be charged jointly	246	What persons may be charged jointly
224	Withdrawal of remaining charges on conviction on one of several charges	247	Withdrawal of remaining charges on conviction on one of several charges

CHAPTER XIX TRIAL BEFORE A COURT OF SESSION

This chapter contains section from 248 to 260

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
225	Trial to be conducted by Public Prosecutor	248	Trial to be conducted by Public Prosecutor
226	Opening case for prosecution	249	Opening case for prosecution Modified 1
227	Discharge	250	Discharge New subsection added 1 (Accused to prefer an application for discharge within 60 days from date of committal of case)
228	Framing of charge	251	Framing of charge Modified 1 , 251(1)(b)
229	Conviction on plea of guilty	252	Conviction on plea of guilty

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
230	Date for prosecution evidence	253	Date for prosecution evidence
231	Evidence for prosecution	254	Evidence for prosecution New proviso added 1 (254 (1) - evidence of witness may be recorded by audio video e means) New subsection added 1(Deposition of evidence of any PO or public servant may through audio video electronic means)
232	Acquittal	255	Acquittal
233	Entering upon defence	256	Entering upon defence

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
234	Arguments	257	Arguments
235	Judgment of acquittal or conviction	258	Judgment of acquittal or conviction
236	Previous conviction	259	Previous conviction
237	Procedure in cases instituted under section 199(2)	260	Procedure in cases instituted under section 223(1)

CHAPTER XX - TRIAL OF WARRANT-CASES BY MAGISTRATES

This chapter contains section from 261 to 273

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
238	Compliance with section 207	261	Compliance with section 231
239	When accused shall be discharged	262	When accused shall be discharged New sub section 1 – Accused may prefer application for discharge within 60 days from date of supply of copies of documents u/s 230.
240	Framing of charge	263	Framing of charge Modification 1 - 263(I) - If, upon such consideration, examination, if any, and hearing, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused within a period of sixty days from the date of first hear on charge
241	Conviction on plea of guilty	264	Conviction on plea of guilty

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
242	Evidence for prosecution	265	Evidence for prosecution Proviso 1 — newly added- 265(3) Provided further that the examination of a witness under this sub-section may be done by audio-video electronic means at the designated place to be notified by the State Government.
243	Evidence for defence	266	Evidence for defence Proviso 2 — newly added- 266(2) Provided that when the accused has cross-examined or had the opportunity of cross-examining any witness before entering on his defence, the attendance of such witness shall not be compelled under this section, unless the Magistrate is satisfied that it is necessary for the ends of justice . Provided further that the examination of a witness under this sub-section may be done by audio-video electronic means at the designated place to be notified by the State Government.
244	Evidence for prosecution	267	Evidence for prosecution
245	When accused shall be discharged	268	When accused shall be discharged

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
246	Procedure where accused is not discharged	269	Procedure where accused is not discharged New subsection added1 - 269(7) - where attendance of prosecution witnesses cannot be secured for cross examination, it shall be deemed that such witness has not been examined for not being available and the Magistrate may close prosecution evidence and record reasons for the same and proceed with the case on material on record.
247	Evidence for defence	270	Evidence for defence
248	Acquittal or conviction	271	Acquittal or conviction
249	Absence of complainant	272	Absence of complainant Modification 1 - When the proceedings have been instituted upon complaint, and on any day fixed for the hearing of the case, the complainant is absent, and the offence may be lawfully compounded or is not a cognizable offence, the Magistrate may after giving thirty days time to the complainant to be present, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
250	Compensation for accusation without reasonable cause	273	Compensation for accusation without reasonable cause Modification 1 - 273(6) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the second class to pay compensation exceeding two thousand rupees, may appeal from the order, as if such complainant or informant had been convicted on a trial held by such Magistrate

CHAPTER XXI - TRIAL OF SUMMONS-CASES BY MAGISTRATES

- This chapter contains sections from 274 to 282

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
251	Substance of accusation to be stated	274	Substance of accusation to be stated Proviso added 1
252	Conviction on plea of guilty	275	Conviction on plea of guilty
253	Conviction on plea of guilty in absence of accused in petty cases	276	Conviction on plea of guilty in absence of accused in petty cases
254	Procedure when not convicted	277	Procedure when not convicted

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
255	Acquittal or conviction	278	Acquittal or conviction
256	Non-appearance or death of complainant	279	Non-appearance or death of complainant Modification 1
257	Withdrawal of complaint	280	Withdrawal of complaint
258	Power to stop proceedings in certain cases	281	Power to stop proceedings in certain cases
259	Power of Court to convert summons-cases into warrantcases	282	Power of Court to convert summons-cases into warrantcases

CHAPTER XXII - SUMMARY TRIALS

- This chapter contains sections from 283 to 288

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
260	Power to try summarily	283	<p>Power to try summarily--</p> <p>New subsection added -1 - 283(2) - Magistrate after giving the accused a reasonable opportunity to be heard, try in a summary way all or any offence not punishable with death/imprisonment of life/or imprisonment exceeding 3 years</p> <p>New proviso added 1 - 283(2) Provided that no appeal shall lie against the decision of a Magistrate to try a case in a summary way under this sub-section</p> <p>Modification 4</p>
261	Summary trial by Magistrate of the second class	284	Summary trial by Magistrate of the second class
262	Procedure for summary trials	285	Procedure for summary trials

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
263	Record in summary trials	286	Record in summary trials
264	Judgment in cases tried summarily	287	Judgment in cases tried summarily
265	Language of record and judgment	288	Language of record and judgment

CHAPTER XXIII - PLEA BARGAINING

This chapter contains sections from 289 to 300.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
265A	Application of the Chapter	289	Application of the Chapter Modification 1
265B	Application for plea bargaining	290	Application for plea bargaining Modification 2 - 290(I) A person accused of an offence may file an application for plea bargaining within a period of thirty days from the date of framing of charge in the Court in which such offence is pending for trial. 290(4)(a) -- If the Court is satisfied that the application has been filed voluntarily, it shall provide time not exceeding sixty days' to the Public prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
265C	Guidelines for mutually satisfactory disposition	291	Guidelines for mutually satisfactory disposition
265D	Report of the mutually satisfactory disposition to be submitted before the Court	292	Report of the mutually satisfactory disposition to be submitted before the Court
265E	Disposal of the case	293	Disposal of the case Modification 2
265F	Judgment of the Court	294	Judgment of the Court
265G	Finality of the judgment	295	Finality of the judgment
265H	Power of the Court in plea bargaining	296	Power of the Court in plea bargaining

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
265-I	Period of detention undergone by the accused to be set off against the sentence of imprisonment	297	Period of detention undergone by the accused to be set off against the sentence of imprisonment
265J	Savings	298	Savings
265K	Statements of accused not to be used	299	Statements of accused not to be used
265L	Non-application of the Chapter	300	Non-application of the Chapter

CHAPTER XXIV - ATTENDANCE OF PERSONS CONFINED OR DETAINED IN PRISONS

This chapter contains sections from 301 to 306

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
266	Definitions	301	Definition
267	Power to require attendance of prisoners	302	Power to require attendance of prisoners
268	Power of State Government to exclude certain persons from operation of section 267	303	Power of State Government or Central Government to exclude certain persons from operation of section 302 Modification 2

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
269	Officer-in-charge of prison to abstain from carrying out order in certain contingencies	304	Officer in charge of prison to abstain from carrying out order in certain contingencies
270	Prisoner to be brought to Court in custody	305	Prisoner to be brought to Court in custody
271	Power to issue commission for examination of witness in prison	306	Power to issue commission for examination of witness in prison

CHAPTER XXV - EVIDENCE IN INQUIRIES AND TRIALS

This chapter contains sections from 307 to 336

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
272	Language of Courts	307	Language of Courts
273	Evidence to be taken in presence of accused	308	Evidence to be taken in presence of accused Modification 1 - Except as otherwise expressly provided, all evidence taken in the course of the trial or other proceeding shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in the presence of his advocate <u>including through audio-video electronic means</u> at the designated place to be notified by the State Government.
274	Record in summons-cases and inquiries	309	Record in summons-cases and inquiries

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
275	Record in warrant-cases	310	Record in warrant-cases
276	Record in trial before Court of Session	311	Record in trial before Court of Session
277	Language of record of evidence	312	Language of record of evidence

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
278	Procedure in regard to such evidence when completed	313	Procedure in regard to such evidence when completed Modification 1 – Pleader replaced with advocate
279	Interpretation of evidence to accused or his pleader	314	Interpretation of evidence to accused or his pleader
280	Remarks respecting demeanour of witness	315	Remarks respecting demeanour of witness
281	Record of examination of accused	316	Record of examination of accused New proviso added 1 - 316(4) Provided that where the accused is in custody and is examined <u>through electronic communication</u> , his signature shall be taken within seventy-two hours of such examination,

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
282	Interpreter to be bound to interpret truthfully	317	Interpreter to be bound to interpret truthfully
283	Record in High Court	318	Record in High Court
284	When attendance of witness may be dispensed with and commission issued	319	When attendance of witness may be dispensed with and commission issued
285	Commission to whom to be issued	320	Commission to whom to be issued Modification 1 – Chief Metropolitan Magistrate removed.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
286	Execution of commissions	321	Execution of commissions Modification 1 – Chief Metropolitan Magistrate removed
287	Parties may examine witnesses	322	Parties may examine witnesses
288	Return of commission	323	Return of commission
289	Adjournment of proceeding	324	Adjournment of proceeding

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
290	Execution of foreign commissions	325	Execution of foreign commissions
291	Deposition of medical witness	326	Deposition of medical witness
291 A	Identification report of Magistrate	327	Identification report of Magistrate
292	Evidence of officers of the Mint	328	Evidence of officers of the Mint

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
293	Reports of certain Government scientific experts	329	Reports of certain Government scientific experts
294	No formal proof of certain documents	330	<p>No formal proof of certain documents</p> <p>New proviso added 2 - 330(1) Provided that the Court may, in its discretion, relax the time limit with reasons to be recorded in writing .</p> <p><u>Provided further that no expert shall be called to appear before the Court unless the report of such expert is disputed by any of the parties to the trial</u></p> <p>Modification 2 - 330(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused or the advocate for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document soon after supply of such documents and in no case later than 30 days after such supply</p>

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
295	Affidavit in proof of conduct of public servants	331	Affidavit in proof of conduct of public servants
296	Evidence of formal character on affidavit	332	Evidence of formal character on affidavit
297	Authorities before whom affidavits may be sworn	333	Authorities before whom affidavits may be sworn
298	Previous conviction or acquittal how proved	334	Previous conviction or acquittal how proved
299	Record of evidence in absence of accused	335	Record of evidence in absence of accused
---	---	336	Evidence of public servants, experts, police officers in certain cases New section added – 1 New proviso added - 2

BNSS. S.336 - Evidence of public servants, experts, police officers in certain cases.

336. Where any document or report prepared by a public servant, scientific expert or medical officer is purported to be used as evidence in any inquiry, trial or other proceeding under this Sanhita, and—

- (i) such public servant, expert or officer is either transferred, retired, or died; or
 - (ii) such public servant, expert or officer cannot be found or is incapable of giving deposition; or
 - (iii) securing presence of such public servant, expert or officer is likely to cause delay in holding the inquiry, trial or other proceeding,
- the Court shall secure presence of successor officer of such public servant, expert, or officer who is holding that post at the time of such deposition to give deposition on such document or report:

Provided that no public servant, scientific expert or medical officer shall be called to appear before the Court unless the report of such public servant, scientific expert or medical officer is disputed by any of the parties of the trial or other proceedings:

Provided further that the deposition of such successor public servant, expert or officer may be allowed through audio-video electronic means (Two new provisos added)

CHAPTER XXVI – General Provisions as to Inquiries and Trials

This chapter contains sections from 337 to 366.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
300	Person once convicted or acquitted not to be tried for same offence	337	Person once convicted or acquitted not to be tried for same offence
301	Appearance by Public Prosecutors	338	Appearance by Public Prosecutors
302	Permission to conduct prosecution	339	Permission to conduct prosecution
303	Right of person against whom proceedings are instituted to be defended	340	Right of person against whom proceedings are instituted to be defended

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
304	Legal aid to accused at State expense in certain cases	341	Legal aid to accused at State expense in certain cases Modification 1
305	Procedure when corporation or registered society is an accused	342	Procedure when corporation or registered society is an accused
306	Tender of pardon to accomplice	343	Tender of pardon to accomplice Modification 2
307	Power to direct tender of pardon	344	Power to direct tender of pardon

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
308	Trial of person not complying with conditions of pardon	345	Trial of person not complying with conditions of pardon
309	Power to postpone or adjourn proceedings	346	Power to postpone or adjourn proceedings New proviso 1 <u>346(2) Proviso (b) where the circumstances are beyond the control of a party, not more than two adjournments may be granted by the Court after hearing the objections of the other party and for the reasons to be recorded in writing;</u>
310	Local inspection	347	Local inspection
311	Power to summon material witness, or examine person present	348	Power to summon material witness, or examine person present

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
311A	Power of Magistrate to order person to give specimen signatures or handwriting	349	<p>Power of Magistrate to order person to give specimen signatures or handwriting</p> <p>New proviso - <u>Provided further that the Magistrate may, for the reasons to be recorded in writing, order any person to give such specimen or sample without him being arrested.</u></p> <p>Modification 1 <u>If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Sanhita, it is expedient to direct any person, including an accused person, to give specimen signatures or finger impressions or handwriting or voice sample, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or finger impressions or handwriting or voice sample.</u></p>
312	Expenses of complainants and witnesses	350	Expenses of complainants and witnesses

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
313	Power to examine the accused	351	Power to examine the accused
314	Oral arguments and memorandum of arguments	352	Oral arguments and memorandum of arguments
315	Accused person to be competent witness	353	Accused person to be competent witness
316	No influence to be used to induce disclosure	354	No influence to be used to induce disclosure
317	Provision for inquiries and trial being held in the absence of accused in certain cases	355	Provision for inquiries and trial being held in the absence of accused in certain cases Explanation added – 1 - Explanation.-For the purpose of this section, personal attendance of the accused includes attendance through audio-video electronic means.
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BNSS. S. 356 - Inquiry, trial or judgment in absentia of proclaimed offender.

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

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

- (2) The Court shall ensure that the following procedure has been complied with before proceeding under sub-section (1), namely:—
- (i) issuance of two consecutive warrants of arrest within the interval of at least thirty days;
 - (ii) publish in a national or local daily newspaper circulating in the place of his last known address of residence, requiring the proclaimed offender to appear before the Court for trial and informing him that in case he fails to appear within thirty days from the date of such publication, the trial shall commence in his absence;
 - (iii) inform his relative or friend, if any, about the commencement of the trial; and
 - (iv) affix information about the commencement of the trial on some conspicuous part of the house or homestead in which such person ordinarily resides and display in the police station of the district of his last known address of residence.

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

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

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

- (5) Where a trial is related to a person under this section, the deposition and examination of the witness, may, as far as practicable, be recorded by audio-video electronic means preferably mobile phone and such recording shall be kept in such manner as the Court may direct.
- (6) In prosecution for offences under this Sanhita, voluntary absence of accused after the trial has commenced under sub-section (1) shall not prevent continuing the trial including the pronouncement of the judgment even if he is arrested and produced or appears at the conclusion of such trial.
- (7) No appeal shall lie against the judgment under this section unless the proclaimed offender presents himself before the Court of appeal:
- Provided that no appeal against conviction shall lie after the expiry of three years from the date of the judgment.
- (8) The State may, by notification, extend the provisions of this section to any absconder mentioned in sub-section (1) of section 84.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
318	Procedure where accused does not understand proceedings	357	Procedure where accused does not understand proceedings
319	Power to proceed against other persons appearing to be guilty of offence	358	Power to proceed against other persons appearing to be guilty of offence
320	Compounding of offences	359	Compounding of offences Modification 1
321	Withdrawal from prosecution	360	Withdrawal from prosecution New proviso 1 - <u>Provided further that no Court shall allow such withdrawal without giving an opportunity of being heard to the victim in the case.</u> Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
322	Procedure in cases which Magistrate cannot dispose of	361	Procedure in cases which Magistrate cannot dispose of
323	Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed	362	Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed
324	Trial of persons previously convicted of offences against coinage, stamp-law or property	363	Trial of persons previously convicted of offences against coinage, stamp-law or property
325	Procedure when Magistrate cannot pass sentence sufficiently severe	364	Procedure when Magistrate cannot pass sentence sufficiently severe Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
326	Conviction or commitment on evidence partly recorded by one Magistrate and partly by another	365	Conviction or commitment on evidence partly recorded by one Magistrate and partly by another
327	Court to be open	366	Court to be open

CHAPTER XXVII - PROVISIONS AS TO ACCUSED PERSONS OF UNSOUND MIND

This section consists of sections from 367 to 378

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
328	Procedure in case of accused being lunatic	367	Procedure in case of accused being person with mental illness Modification 1
329	Procedure in case of person of unsound mind tried before Court	368	Procedure in case of person with mental illness tried before Court
330	Release of person of unsound mind pending investigation or trial	369	Release of person with mental illness pending investigation or trial Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
331	Resumption of inquiry or trial	370	Resumption of inquiry or trial
332	Procedure on accused appearing before Magistrate or Court	371	Procedure on accused appearing before Magistrate or Court
333	When accused appears to have been of sound mind	372	When accused appears to have been of sound mind

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
334	Judgment of acquittal on ground of unsoundness of mind	373	Judgment of acquittal on ground of mental illness
335	Person acquitted on such ground to be detained in safe custody	374	Person acquitted on such ground to be detained in safe custody Modification 1
336	Power of State Government to empower officer-in-charge to discharge	375	Power of State Government to empower officer-in-charge to discharge
337	Procedure where lunatic prisoner is reported capable of making his defence	376	Procedure where prisoner with mental illness is reported capable of making his defence Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
338	Procedure where lunatic detained is declared fit to be released	377	Procedure where person with mental illness detained is declared fit to be released Modification 1
339	Delivery of lunatic to care of relative or friend	378	Delivery of person with mental liabilities to care of relative or friend Modification 1

CHAPTER XXVIII - PROVISIONS AS TO OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE

- This section consists of sections from 379 to 391

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
340	Procedure in cases mentioned in section 195	379	Procedure in cases mentioned in section 215
341	Appeal	380	Appeal
342	Power to order costs	381	Power to order costs

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
343	Procedure of Magistrate taking cognizance	382	Procedure of Magistrate taking cognizance
344	Summary procedure for trial for giving false evidence	383	Summary procedure for trial for giving false evidence Modification 1
345	Procedure in certain cases of contempt	384	Procedure in certain cases of contempt Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
346	Procedure where Court considers that case should not be dealt with under section 345	385	Procedure where Court considers that case should not be dealt with under section 384
347	When Registrar or SubRegistrar to be deemed a Civil Court	386	When Registrar or SubRegistrar to be deemed a Civil Court
348	Discharge of offender on submission of apology	387	Discharge of offender on submission of apology
349	Imprisonment or committal of person refusing to answer or produce document	388	Imprisonment or committal of person refusing to answer or produce document

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
350	Summary procedure for punishment for non-attendance by a witness in obedience to summons	389	Summary procedure for punishment for non-attendance by a witness in obedience to summons
351	Appeals from convictions under sections 344, 345, 349 and 350	390	Appeals from convictions under sections 383, 384, 388 and 389
352	Certain Judges and Magistrates not to try certain offences when committed before themselves	391	Certain Judges and Magistrates not to try certain offences when committed before themselves

CHAPTER XXIX - THE JUDGMENT

- This section consists of sections from 392 to 406

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
353	Judgment	392	<p>Judgment</p> <p>New proviso 1 - 392(4) - Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period <u>of seven days</u> from the date of judgment.</p> <p>Modification 1 - 392(1) the judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the presiding officer immediately after the termination of the trial or at some subsequent time not later <u>than sixty days of which</u> notice shall be given to the parties or their advocates,</p> <p>Modification 2 - 392(5) If the accused is in custody, he shall be brought up to hear the judgment pronounced either in person or through <u>audio-video electronic means.</u></p>
354	Language and contents of judgment	393	Language and contents of judgment

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
356	Order for notifying address of previously convicted offender	394	Order for notifying address of previously convicted offender Modification 1
357	Order to pay compensation	395	Order to pay compensation
357A	Victim compensation scheme	396	Victim compensation scheme
357C	Treatment of victims	397	Treatment of victims Modification 1 - All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 64, section 65, section 66, section 67, section 68, section 70, section 71 or sub-section (1) of section 12 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4,6,8 or section 10 of the <u>Protection of Children from Sexual Offences Act,2012</u> , and shall immediately inform the police of such incident.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
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358	Compensation to persons groundlessly arrested	399	Compensation to persons groundlessly arrested
359	Order to pay costs in noncognizable cases	400	Order to pay costs in noncognizable cases

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
360	Order to release on probation of good conduct or after admonition	401	Order to release on probation of good conduct or after admonition Modification 1 – Change made with respect to bond or bail bond
361	Special reasons to be recorded in certain cases	402	Special reasons to be recorded in certain cases
362	Court not to alter judgment	403	Court not to alter judgment
363	Copy of judgment to be given to the accused and other persons	404	Copy of judgment to be given to the accused and other persons New proviso 1 - 404(5) Provided further that the Court may, on an application made in this behalf by the Prosecuting Officer, provide to the Government, free of cost, a certified copy of such judgment, order, deposition or record

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
364	Judgment when to be translated	405	Judgment when to be translated Modification 1
365	Court of Session to send copy of finding and sentence to District Magistrate	406	Court of Session to send copy of finding and sentence to District Magistrate

CHAPTER XXX - SUBMISSION OF DEATH SENTENCES FOR CONFIRMATION

This section consists of sections from 407 to 412

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
366	Sentence of death to be submitted by Court of Session for confirmation	407	Sentence of death to be submitted by Court of Session for confirmation
367	Power to direct further inquiry to be made or additional evidence to be taken	408	Power to direct further inquiry to be made or additional evidence to be taken
368	Power of High Court to confirm sentence or annul conviction	409	Power of High Court to confirm sentence or annul conviction

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
369	Confirmation or new sentence to be signed by two Judges	410	Confirmation or new sentence to be signed by two Judges
370	Procedure in case of difference of opinion	411	Procedure in case of difference of opinion
371	Procedure in cases submitted to High Court for confirmation	412	<p>Procedure in cases submitted to High Court for confirmation</p> <p>Modification 1 - In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send <u>either physically, or through electronic means</u>, a copy of the order, under the seal of the High Court and attested with his official signature, to the Court of Session.</p>

CHAPTER XXXI - APPEALS

- This section consists of sections from 413 to 435

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
372	No appeal to lie unless otherwise provided	413	No appeal to lie unless otherwise provided
373	Appeal from orders requiring security or refusal to accept or rejecting surety for keeping peace or good behaviour	414	Appeal from orders requiring security or refusal to accept or rejecting surety for keeping peace or good behaviour
374	Appeals from convictions	415	Appeals from convictions Modification 1 – Metropolitan Magistrate removed.
375	No appeal in certain cases when accused pleads guilty	416	No appeal in certain cases when accused pleads guilty

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
376	No appeal in petty cases	417	No appeal in petty cases Modification 1
377	Appeal by the State Government against sentence	418	Appeal by the State Government against sentence Modification 1
378	Appeal in case of acquittal	419	Appeal in case of acquittal Modification 1
379	Appeal against conviction by High Court in certain cases	420	Appeal against conviction by High Court in certain cases

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
380	Special right of appeal in certain cases	421	Special right of appeal in certain cases Modification 1
381	Appeal to Court of Session how heard	422	Appeal to Court of Session how heard Modification 1 – Asst Sessions Judge Removed.
382	Petition of appeal	423	Petition of appeal
383	Procedure when appellant in jail	424	Procedure when appellant in jail

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
384	Summary dismissal of appeal	425	Summary dismissal of appeal
385	Procedure for hearing appeals not dismissed summarily	426	Procedure for hearing appeals not dismissed summarily
386	Powers of the Appellate Court	427	Powers of the Appellate Court
387	Judgments of subordinate Appellate Court	428	Judgments of Subordinate Appellate Court

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
388	Order of High Court on appeal to be certified to lower Court	429	Order of High Court on appeal to be certified to lower Court
389	Suspension of sentence pending the appeal; release of appellant on bail	430	Suspension of sentence pending the appeal; release of appellant on bail Modification 1 – Change made with respect to bond or bail bond
390	Arrest of accused in appeal from acquittal	431	Arrest of accused in appeal from acquittal
391	Appellate Court may take further evidence or direct it to be taken	432	Appellate Court may take further evidence or direct it to be taken

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
392	Procedure where Judges of Court of Appeal are equally divided	433	Procedure where Judges of Court of Appeal are equally divided
393	Finality of judgments and orders on appeal	434	Finality of judgments and orders on appeal
394	Abatement of appeals	435	Abatement of appeals

CHAPTER XXXII REFERENCE AND REVISION

- This section consists of sections from 436 to 445

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
395	Reference to High Court	436	Reference to High Court Modification1 – Metropolitan magistrate removed.
396	Disposal of case according to decision of High Court	437	Disposal of case according to decision of High Court
397	Calling for records to exercise powers of revision	438	Calling for records to exercise powers of revision Modification1 - Change made with respect to bond or bail bond
398	Power to order inquiry	439	Power to order inquiry
399	Sessions Judge's powers of revision	440	Sessions Judge's powers of revision

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
400	Power of Additional Sessions Judge	441	Power of Additional Sessions Judge
401	High Court's powers of revision	442	High Court's powers of revision
402	Power of High Court to withdraw or transfer revision cases	443	Power of High Court to withdraw or transfer revision cases
403	Option of Court to hear parties	444	Option of Court to hear parties
405	High Court's order to be certified to lower Court	445	High Court's order to be certified to lower Court.

CHAPTER XXXIII - TRANSFER OF CRIMINAL CASES

This section consists of sections from 446 to 452

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
406	Power of Supreme Court to transfer cases and appeals	446	Power of Supreme Court to transfer cases and appeals
407	Power of High Court to transfer cases and appeals	447	Power of High Court to transfer cases and appeals Modification 2.
408	Power of Sessions Judge to transfer cases and appeals	448	Power of Sessions Judge to transfer cases and appeals Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
409	Withdrawal of cases and appeals by Sessions Judges	449	Withdrawal of cases and appeals by Session Judge
410	Withdrawal of cases by Judicial Magistrates	450	Withdrawal of cases by Judicial Magistrate
411	Making over or withdrawal of cases by Executive Magistrates	451	Making over or withdrawal of cases by Executive Magistrates
412	Reasons to be recorded	452	Reasons to be recorded

CHAPTER XXXIV

EXECUTION, SUSPENSION, REMISSION AND COMMUTATION OF SENTENCES

- This section consists of sections from 453 to 477

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
413	Execution of order passed under section 368	453	Execution of order passed under section 409
414	Execution of sentence of death passed by High Court	454	Execution of sentence of death passed by High Court
415	Postponement of execution of sentence of death in case of appeal to Supreme Court	455	Postponement of execution of sentence of death in case of appeal to Supreme Court
416	Postponement of capital sentence on pregnant woman	456	Commutation of sentence of death on pregnant woman

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
417	Power to appoint place of imprisonment	457	Power to appoint place of imprisonment
418	Execution of sentence of imprisonment	458	Execution of sentence of imprisonment Modification 1
419	Direction of warrant for execution	459	Direction of warrant for execution
420	Warrant with whom to be lodged	460	Warrant with whom to be lodged

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
421	Warrant for levy of fine	461	Warrant for levy of fine Modification 1
422	Effect of such warrant	462	Effect of such warrant
423	Warrant for levy of fine issued by a Court in any territory to which this Code does not extend	463	Warrant for levy of fine issued by a Court in any territory to which this Sanhita does not extend
424	Suspension of execution of sentence of imprisonment	464	Suspension of execution of sentence of imprisonment Modification 1

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
425	Who may issue warrant	465	Who may issue warrant
426	Sentence on escaped convict when to take effect	466	Sentence on escaped convict when to take effect
427	Sentence on offender already sentenced for another offence	467	Sentence on offender already sentenced for another offence
428	Period of detention undergone by the accused to be set off against the sentence of imprisonment	468	Period of detention undergone by the accused to be set off against the sentence of imprisonment

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
429	Saving	469	Saving
430	Return of warrant on execution of sentence	470	Return of warrant on execution of sentence
431	Money ordered to be paid recoverable as a fine	471	Money ordered to be paid recoverable as a fine
----	-----	472	Mercy Petition in death sentence cases New section added

BNSS. S 472 - Mercy petition in death sentence cases.

- 472. (1) A convict under the sentence of death or his legal heir or any other relative may, if he has not already submitted a petition for mercy, file a mercy petition before the President of India under article 72 or the Governor of the State under article 161 of the Constitution within a period of thirty days from the date on which the Superintendent of the jail,—
 - (i) informs him about the dismissal of the appeal, review or special leave to appeal by the Supreme Court; or
 - (ii) informs him about the date of confirmation of the sentence of death by the High Court and the time allowed to file an appeal or special leave in the Supreme Court has expired.

- (2) The petition under sub-section (1) may, initially be made to the Governor and on its rejection or disposal by the Governor, the petition shall be made to the President within a period of sixty days from the date of rejection or disposal of such petition.
- (3) The Superintendent of the jail or officer in charge of the jail shall ensure, that every convict, in case there are more than one convict in a case, also files the mercy petition within a period of sixty days and on non-receipt of such petition from the other convicts, Superintendent of the jail shall send the names, addresses, copy of the record of the case and all other details of the case to the Central Government or the State Government for consideration along with the said mercy petition.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
432	Power to suspend or remit sentences	473	Power to suspend or remit sentences
433	Power to commute sentence	474	Power to commute sentence New sub section added 2 - 474 c- a sentence of imprisonment for seven years or more, for imprisonment for Power to commute sentences a term not less than three years 474(d - a sentence of imprisonment for less than seven years, up to three years, for fine; Modification 2
433A	Restriction on powers of remission or commutation in certain cases	475	Restriction on powers of remission or commutation in certain cases
434	Concurrent power of Central Government in case of death sentences	476	Concurrent power of Central Government in case of death sentences
435	State Government to act after consultation with Central Government in certain cases	477	State Government to act after concurrence with Central Government in certain cases Modification 1

CHAPTER XXXV - PROVISIONS AS TO BAIL AND BONDS

- This section consists of sections from 478 to 496

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
436	In what cases bail to be taken	478	In what cases bail to be taken
436A	Maximum period for which an under-trial prisoner can be detained	479	<p>Maximum period for which an under-trial prisoner can be detained</p> <p>New sub clause added 2</p> <p>Proviso added 1</p>
437	When bail may be taken in case of non-bailable offence	480	<p>When bail may be taken in case of non-bailable offence</p> <p>Modification 1</p>

BNSS. S. 479 - Maximum period for which under trial prisoner can be detained

- 479. (1) Where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail: (on his personal bond with or without sureties in CrPC is deleted and modified as underlined)

Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law: (New proviso added)

Provided further that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail bond instead of his bond:

Provided also that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

- Explanation.—In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded

BNSS. S. 480 – When bail may be taken in case of non-bailable offence.

- 480(1) Proviso 3 - Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Underlined portion modified.

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
437A	Bail to require accused to appear before next Appellate Court	481	Bail to require accused to appear before next appellate Court Modification – 1(Change made with respect to bond or bail bond)
438	Direction for grant of bail to person apprehending arrest	482	Direction for grant of bail to person apprehending arrest
439	Special powers of High Court or Court of Session regarding bail	483	Special powers of High Court or Court of Session regarding bail
440	Amount of bond and reduction thereof	484	Amount of bond and reduction thereof

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
441	Bond of accused and sureties	485	Bond of accused and sureties Modification – 3(Change made with respect to bond or bail bond)
441A	Declaration by sureties	486	Declaration by sureties
442	Discharge from custody	487	Discharge from custody Modification – 1(Change made with respect to bond or bail bond)
443	Power to order sufficient bail when that first taken is insufficient	488	Power to order sufficient bail when that first taken is insufficient

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
444	Discharge of sureties	489	Discharge of sureties
445	Deposit instead of recognizance	490	Deposit instead of recognizance Modification – 1(Change made with respect to bond or bail bond)
446	Procedure when bond has been forfeited	491	Procedure when bond has been forfeited
446A	Cancellation of bond and bailbond	492	Cancellation of bond and bail bond Modification – 1(Change made with respect to bond or bail bond)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
447	Procedure in case of insolvency or death of surety or when a bond is forfeited	493	Procedure in case of insolvency of death of surety or when a bond is forfeited Modification – 1(Change made with respect to bond or bail bond)
448	Bond required from minor	494	Bond required from minor Modification – 1(Minor replaced with child)
449	Appeal from orders under section 446	495	Appeal from orders under section 491
450	Power to direct levy of amount due on certain recognizances	496	Power to direct levy of amount due on certain recognizances

CHAPTER XXXVI - DISPOSAL OF PROPERTY

- This chapter contains sections 497 to 505

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
451	Order for custody and disposal of property pending trial in certain cases	497	Order for custody and disposal of property pending trial in certain cases New sub sections added – 4 Modification 1
452	Order for disposal of property at conclusion of trial	498	Order for disposal of property at conclusion of trial
453	Payment to innocent purchaser of money found on accused	499	Payment to innocent purchaser of money found on accused
454	Appeal against orders under section 452 or section 453	500	Appeal against orders under section 500 or section 501

BNSS.S. 497- Order for custody and disposal of property pending trial in certain cases.

497. (1) When any property is produced before any Criminal Court or the Magistrate empowered to take cognizance or commit the case for trial during any investigation, inquiry or trial, the Court or the Magistrate may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation, inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court or the Magistrate may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. (Underlined portion modified)

- Explanation.—For the purposes of this section, "property" includes—
 - (a) property of any kind or document which is produced before the Court or which is in its custody;
 - (b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

- (2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide. (new sub section added)
- (3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile phone or any electronic media, of the property referred to in sub-section (1). (new sub section added)
- (4) The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita. (new sub section added)
- (5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter (new sub section added)

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
455	Destruction of libellous and other matter	501	Destruction of libellous and other matter
456	Power to restore possession of immovable property	502	Power to restore possession of immovable property
457	Procedure by police upon seizure of property	503	Procedure by police upon seizure of property
458	Procedure where no claimant appears within six months	504	Procedure where no claimant appears within six months
459	Power to sell perishable property	505	Power to sell perishable property Modification 1 (the value is modified from less than “500 Rs in CrPC” to less than “ ten thousand rupess” in BNSS

CHAPTER XXXVII - IRREGULAR PROCEEDINGS

- This chapter contains sections 506 to 512

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
460	Irregularities which do not vitiate proceedings	506	Irregularities which do not vitiate proceedings
461	Irregularities which vitiate proceedings	507	Irregularities which vitiate proceedings Modification 1(Reference to telegraph deleted)
462	Proceedings in wrong place	508	Proceedings in wrong place

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
463	Non-compliance with provisions of section 164 or section 281	509	Non-compliance with provisions of section 183 or section 316
464	Effect of omission to frame, or absence of, or error in, charge	510	Effect of omission to frame, or absence of, or error in, charge
465	Finding or sentence when reversible by reason of error, omission or irregularity	511	Finding or sentence when reversible by reason of error, omission or irregularity
466	Defect or error not to make attachment unlawful	512	Defect or error not to make attachment unlawful

CHAPTER XXXVIII - LIMITATION FOR TAKING COGNIZANCE OF CERTAIN OFFENCES

This chapter contains sections 513 to 519

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
467	Definitions	513	Definitions
468	Bar to taking cognizance after lapse of the period of limitation	514	Bar to taking cognizance after lapse of the period of limitation New explanation added 1- For the purpose of computing the period of limitation, the relevant date shall be the date of filing complaint under section 223 or the date of recording of information under section 173.
469	Commencement of the period of limitation	515	Commencement of the period of limitation
470	Exclusion of time in certain cases	516	Exclusion of time in certain cases

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
471	Exclusion of date on which Court is closed	517	Exclusion of date on which Court is closed
472	Continuing offence	518	Continuing offence
473	Extension of period of limitation in certain cases	519	Extension of period of limitation in certain cases

CHAPTER XXXIX - MISCELLANEOUS

- This chapter contains sections 520 to 531

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
474	Trials before High Courts	520	Trials before High Courts
475	Delivery to commanding officers of persons liable to be tried by Court-martial	521	Delivery to commanding officers of persons liable to be tried by Courtmartial
476	Forms	522	Forms
477	Power of High Court to make rules	523	Power of High Court to make rules
478	Power to alter functions allotted to Executive Magistrates in certain cases	524	Power to alter functions allocated to Executive Magistrate in certain cases

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
479	Cases in which Judge or Magistrate is personally interested	525	Case in which Judge or Magistrate is personally interested
480	Practising pleader not to sit as Magistrate in certain Courts	526	Practicing advocate not to sit as Magistrate in certain Courts
481	Public servant concerned in sale not to purchase or bid for property	527	Public servant concerned in sale not to purchase or bid for property
482	Saving of inherent powers of High Court	528	Saving of inherent powers of High Court

Code of Criminal Procedure, 1973		Bharatiya Nagarik Suraksha Sanhita, 2023	
Section	Heading	Clause	Heading
483	Duty of High Court to exercise continuous superintendence over Courts of Judicial Magistrates	529	Duty of High Court to exercise continuous superintendence over Courts
484	Repeal and savings	530	Trial and proceedings to be held in electronic mode. New section added 1
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BNSS. S. 530 - Trial and proceedings to be held in electronic mode.

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

Specific timelines- BNSS (objectives and challenges)

- For speedy justice as a primary goal.
- Introduction of new timelines for various stages of criminal procedure.
- Introduction of timelines would also require development of institutional capacity of various organs in the CJS.

SI No.	Provision highlight	In CrPC	In BNSS
Initiation of criminal proceeding			
1	Procedure for recording an FIR if information relating to the commission of a cognizable offence is received by the police through electronic communication (Clause 173(I)(ii) BNSS)	No time prescribed	FIR to be taken on record if informant signs it within 3 days
2	Preliminary enquiry to ascertain prima facie case of commission of cognizable offence punishable between a minimum of 3 years and a maximum of 7 years (Clause 173(3) BNSS)	No time prescribed	Preliminary enquiry to be conducted within 14 days
3	Police to forward daily diary reports in non-cognizable cases to the Magistrate [Clause 174(1)(ii) BNSS)	No time prescribed	Once in 14 days

SI No.	Provision highlight	In CrPC	In BNSS
Investigation			
1	Forward of inquest report the District Magistrate or Subdivisional Magistrate	Shall be forthwith forwarded	Shall be forwarded within 24 hours
2	Medical practitioner to forward the medical examination report to the Police [Clause 51(3) BNSS)	No time prescribed	Without any delay
3	Forward of medical examination report (of a victim of rape) by a medical practitioner to the investigating officer (Clause 184(6) BNSS)	Without delay	Within 7 days
4	Copy of search records to be forwarded to the nearest Magistrate empowered to take cognizance of the offence (Clause 185(5) BNSS)	Shall forthwith be sent	Shall forthwith be sent, but not later than 48 hours

SI No.	Provision highlight	In CrPC	In BNSS
Investigation			
5	Audio video recording of search and seizure procedure to be forwarded by the police officer to the District Magistrate, Subdivisional Magistrate or judicial Magistrate of first class (Clause 105 BNSS)	No time prescribed	Without delay
6	Distribution of proceeds of crime, from attached or seized property, by the District Magistrate [Clause 107(7) BNSS)	No time prescribed	60 days
7	Information on status of investigation to victims/ informant (Clause 193(3)(ii)BNSS)	No time prescribed	Within 90 days

Sl No.	Provision highlight	In CrPC	In BNSS
Chargesheet			
1	Further investigation during trial (post filing of chargesheet), on grant of permission from the trial court [Clause 193(9) BNSS)	No time prescribed	Further investigation to be completed within 90 days, but may be extended with the permission of the Court
Commencement of proceedings before Magistrate			
1	Magistrate to supply copies of police report, FIR, and other case documents to the accused and victim (if represented by a lawyer) (Clause 230 BNSS)	No time prescribed	14 days within date of production or appearance of accused

SI No.	Provision highlight	In CrPC	In BNSS
Cognizance			
1	Proceedings undertaken by the Magistrate to commit cases to the Sessions Court, where the offences are exclusively triable by the Sessions Court (Clause 232 BNSS)	No time prescribed	Committal proceedings to be completed within 90 days, extendable up to 180 days for reasons in writing
Plea Bargaining			
1	Procedure for application for plea bargaining by the accused, in court where trial for said offence is pending (Clause 290(1) BNSS]	No time prescribed	Within 30 days from the date of framing of charge

SI No.	Provision highlight	In CrPC	In BNSS
Charge			
1	Framing of charges by the Magistrate (for offences the Magistrate is competent to try and punish) [Clause 263(1) BNSS)	No time prescribed	Within 60 days from first hearing on charge
2	Procedure for an accused to file application for discharge (in cases triable by a Sessions Court) [Clause 250(1) BNSS)	No time prescribed	Within 60 days from committal
3	Procedure for discharge by Magistrate in case of absence of complainant on date fixed for hearing in a complaint case, for offences that are non-cognizable and compoundable (Clause 272 BNSS)	No time prescribed	Granting 30 days opportunity to complainant to appear in court

SI No.	Provision highlight	In CrPC	In BNSS
Trial			
1	Procedure for admission and denial of genuineness of documents by the defence and prosecution (Clause 330 (1) BNSS)	No time prescribed	Soon after supply of documents, and no later than 30 days, unless the Court relaxes the time limit with written reasons
2	Procedure for examination of the accused in custody, through electronic means, by Magistrate or Sessions Court [Clause 316 BNSS)	No time prescribed	Signature of the accused to be taken within 72 hours of such examination
3	Commencement of in absentia trial against proclaimed offenders by a court (Clause 356(1) BNSS)	No time prescribed	90 days from the framing of charge

SI No.	Provision highlight	In CrPC	In BNSS
Trial			
4	Issuance of two consecutive arrest warrants by a court against proclaimed offenders, before commencing in absentia trials (clause 356(2)(i) BNSS)	No time prescribed	Execution of 2 consecutive arrest warrants within the interval of 30 days
5	Publication of notice to proclaimed offender to appear before court, in a newspaper (Clause 356(2)(ii) BNSS)	No time prescribed	Notice period of 30 days
6	Procedure for custody or disposal of property produced before a Court/Magistrate during investigation, inquiry or trial. The Court is bound to prepare a statement of property produced before it [Clause 497(2) BNSS]	No time prescribed	Within 14 days of production of property before the court

Sl No.	Provision highlight	In CrPC	In BNSS
Bail			
1	Maximum period in which an accused can be placed in under trial detention before the applicability of default bail (exclusive of cases punishable with death and life imprisonment) [Clause 479(1) BNSS)	1/2 of the sentence period	1/3 of the sentence period for first time offenders and 1/2 of the sentence period in all other cases

SI No.	Provision highlight	In CrPC	In BNSS
Judgment and sentence			
1	Pronouncement of judgment after termination of trial in any criminal court (Clause 392 (1) BNSS)	Immediately after the termination of trial or at some subsequent time	Not later than 45 days
2	Judgment of acquittal or conviction by Court of Sessions (Clause 258(1) BNSS)	No time prescribed	30 days from the completion of arguments. Extendable up to 45 days for reasons in writing
3	Court to upload a digital copy of the judgment [Clause 392(4) BNSS]	No time prescribed	7 days from pronouncement, as far as practicable

Sl No.	Provision highlight	In CrPC	In BNSS
Mercy petitions			
1	Filing of mercy petition before Governor or President by person under a sentence of death [Clause 472(1) BNSS]	No time prescribed	30 days from intimation by the Superintendent of fail about (1) dismissal of appeal by Supreme Court; or (2) High Court confirmation and expiry of limitation for appeal of death sentence
2	Filing of mercy petition to the President by a person under sentence of death post the rejection of their petition by the Governor [Clause 472(2) BNSS]	No time prescribed	60 days from the date of rejection by Governor
3	Central Government to make recommendations on the mercy petition to the President (Clause 472(4) BNSS]	No time prescribed	Within 60 days from date of receipt of comments from the State government and records from the Jail Superintendent
4	Central Government to communicate the President's order on the mercy petition to Home Department of the State and Superintendent of the jail (Clause 472(6) BNSS]	No time prescribed	Within 48 hours of receipt of order of the President

Community Service (Objectives and Sections)

- For the first time in India, it is proposed as a mode of punishment for offences which are petty in nature - (**BNS [Sec.4](#) & BNSS [Sec.23](#)**)
- An alternative to custodial punishment
- To involve the performance of unpaid work during leisure time and for the good of the community. ([Table](#))

Provisions where Community Service has been Introduced as punishment

SL No.	Provision	BNS Section
1	Public servant unlawfully engaging in trade.	S.202
2	Non-appearance in response to a proclamation under section 84 of BNSS.	S.209
3	Attempt to commit suicide to compel or restraint exercise of lawful power.	S.226
4	Theft where the value of the stolen property is less than five thousand rupees.	S.303(2) Proviso
5	Misconduct in public by a drunken person.	S. 355
6	Defamation	S.356(2)



Thank you.

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