

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023
(BNSS : Act enacted to replace Code of Criminal Procedure)

Key Points from the Objects and Reasons :

A. Issues to be addressed :

- i) **Delay in delivery of justice** due to complex legal procedures.
- ii) **Large pendency** of cases in the Courts.
- iii) **Low conviction** rates.
- iv) **Insufficient use of technology** in legal system.
- v) **Delays in investigation** system.
- vi) **Inadequate use of forensic** is the biggest hurdle in speedy delivery of justice, which impacts the poor man adversely.
- vii) Comprehensive **review** of our criminal laws, including the Code of Criminal Procedure and adapt them in accordance with the **contemporary needs and aspirations of the people**.

B. What BNSS provides :

- i) It provides **use of technology and forensic science** in the investigation of crime and furnishing and lodging of information, service of summons, etc. through electronic communication.
- ii) **Specific time-lines** have been prescribed for time bound investigation, trial and pronouncement of Judgments.
- iii) **Citizen centric approach** has been adopted for supply of copy of first information report (F.I.R) to the victim and to inform them about the progress of investigation, including by digital means.
- iv) In cases where punishment is 7 years or more, the **victims shall be given an opportunity of being heard** before withdrawal of the case by the Government.
- v) **Summary trial** has been made mandatory for petty and less serious cases.
- vi) The accused persons may be **examined through electronic means**, like video conferencing.
- vii) The magisterial system has also been **streamlined**.

BNSS, 2023 Vs. Cr.PC., 1973

This is a comparative chart in terms of new provisions introduced in BNSS, in comparison with Cr.PC. The entire text of provision is not reproduced in this chart. Hence the actual provision in the Act be perused while deciding any matter.

Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973
S. 2	<p><u>Definitions:</u></p> <ul style="list-style-type: none"> - 2(1)(a) "Audio video electronic means" - 2(1)(b) "Bail" - 2(1)(d) "Bail Bond" - 2(1)(e) "Bond" - 2(1)(i) "Electronic Communication" <p>2(l) "Investigation": Explanation inserted to provide overriding effect to provisions of Special Acts over BNSS.</p>	<p align="center">No such definitions.</p> <p align="center">There was no explanation in "investigation". (S. 2 (h) Cr.PC)</p>
S. 6	<p><u>Classes of Criminal Courts:</u></p> <p>Courts of "Metropolitan Magistrates" omitted.</p>	<p align="center">Courts of "Metropolitan Magistrates" in Metropolitan area. (S. 6 Cr.PC)</p>
S. 15	<p><u>Special Executive Magistrates:</u></p> <p>Police Officer not below the rank of SP or equivalent can be appointed.</p>	<p align="center">No provision for appointment of Police Officer. (S. 21 Cr.PC)</p>
S. 18	<p><u>Public Prosecutors:</u></p> <ul style="list-style-type: none"> - New proviso to sub-section (1) inserted to appoint PP or APP by Central Government for National Capital Territory of Delhi. - In explanation (b), "SPP" is included in "Prosecuting Officer". - Court may permit victim to engage Advocate of his choice to assist prosecution. (added in 2009) 	<p align="center">SPP not included in the definition of "Prosecuting Officer" (S. 24 Cr.PC)</p>
S. 19	<p><u>Assistant Public Prosecutors :</u></p> <ul style="list-style-type: none"> - Sub-section (3) : Condition of 14 days notice to State Govt. is inserted for appointing any other person as APP where no APP is available. 	<p align="center">No condition to give notice (S. 25 Cr.PC)</p>

Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973
S. 20	<p><u>Directorate of Prosecution :</u></p> <ul style="list-style-type: none"> - Provision to establish District Directorate of Prosecution in every District. - Post of “Assistant Director of Prosecution” is created. - Eligibility criteria for appointment as Director or Deputy Director of Prosecution is changed: <ul style="list-style-type: none"> i) Practice as an advocate for not less than 15 years or is or has been a Sessions Judge. ii) For Assistant Director, practice as an advocate for not less than 7 years or has been a JMFC. - No requirement of concurrence of Chief Justice of High Court. - Roles and responsibilities of the Director/Dy. Director/Asst. Director of Prosecution are laid down. 	<p>No provision for every District.</p> <p>No post of Assistant Director of Prosecution.</p> <p>Roles and responsibilities not provided.</p> <p>Concurrence of Chief Justice of High Court required. (S. 25-A Cr.PC)</p>
S. 22	<p><u>Sentence which High Court and Sessions Judges may pass:</u></p> <ul style="list-style-type: none"> - Post of “Assistant Sessions Judge” is omitted. 	<p>Post of Assistant Sessions Judge provided with power to impose limited sentence. (S. 28 Cr.PC)</p>
S. 23	<p><u>Sentences which Magistrates may pass:</u></p> <ul style="list-style-type: none"> - Monetary limits on fines that can be imposed by Magistrates enhanced : JMFC – Rs. 10,000 to Rs. 50,000. JMSC – Rs. 5,000 to Rs. 10,000. Court of Metropolitan Magistrate is omitted. - Discretion to impose “community service” is added as an alternative punishment and it is defined as a “<i>form of punishment that benefits the community</i>”, for which convict shall not be entitled to any remuneration. (Prescribed as one of the punishments for offences U/s. 202, 209, 226, 303(2), 355, 356(2) of BNS, 2023) 	<p>No provision for imposing punishment of “community service” (S. 29 Cr.PC)</p>
S. 25	<p><u>Sentence in cases of conviction of several offences at one trial:</u></p> <ul style="list-style-type: none"> - The default rule that punishments shall run “consecutively” is omitted. - Court has to order punishment ‘concurrently’ or ‘consecutively’ considering the gravity of offence. - Maximum punishment as per proviso (a) is 	<p>Provision for punishments to run consecutively unless directed to run concurrently. (S. 31 Cr.PC)</p>

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<p>S. 34 <u>Duty of officers employed in connection with affairs of a village to make certain report:</u></p> <ul style="list-style-type: none"> - Definition of “proclaimed offender” in S. 2 (ii) is modified to the extent of including all offences punishable with imprisonment for 10 years or more or with life or death under BNS, 2023. 	<p>Specific Sections of IPC mentioned. (S. 40 Cr.PC)</p>
<p>S. 35 <u>When police may arrest without warrant:</u></p> <ul style="list-style-type: none"> - Two sections of Cr.PC are merged into one. - S. 35(7): No arrest without prior permission of Dy.S.P. in offences punishable with imprisonment of less than 3 years and such person is infirm or is above 60 years of age. 	<p>No provision to take prior permission. (S. 41 & 41-A Cr.PC)</p>
<p>S. 36 <u>Procedure of arrest and duties of officer making arrest:</u></p> <ul style="list-style-type: none"> - Information of arrest can be given to “any person” apart from relative or friend. 	<p>No provision for “any person” (S. 41-B Cr.PC)</p>
<p>S. 37 <u>Designated police officer:</u> (Cr.PC. provision: ‘Control room at Districts’)</p> <ul style="list-style-type: none"> - State Government to designate a police officer in every district & police station, not below rank of Asst. Sub-Inspector to maintain information of persons arrested & display the same in every police station, including in digital mode. 	<p>No provision to designate a police officer. (S. 41-C Cr.PC)</p>
<p>S. 39 <u>Arrest on refusal to give name and residence:</u></p> <ul style="list-style-type: none"> - In sub-section (2) “bond, with or without sureties” substituted with “bond or a bail-bond”. 	<p>“bond, with or without sureties” (S. 42 Cr.PC)</p>
<p>S. 40 <u>Arrest by private person and procedure on such arrest:</u></p> <ul style="list-style-type: none"> - Time limit of 6 hours to handover to police. - “re-arrest” substituted with “take him in custody”. 	<p>No time limit. (S. 43 Cr.PC)</p>

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S. 43	<u>Arrest how made:</u> - Sub-section (3) permits use of handcuff to make arrest, subject to the nature and gravity of offence.	No provision of handcuff. (S. 46 Cr.PC)
S. 48	<u>Obligation of person making arrest to inform about arrest, etc., to relative or friend:</u> - Requirement of giving information of arrest to the designated police officer in the District.	No such requirement. (S. 50-A Cr.PC)
S. 50	<u>Power to seize offensive weapons:</u> - Power to seize offensive weapons can be exercised “immediately” after the arrest is made.	Word “immediately” is missing. (S. 52 Cr.PC)
S. 51	<u>Examination of accused by medical practitioner at request of police officer:</u> - Request for medical examination can be made by any police officer. - Definition of “registered medical practitioner” is modified.	Request of officer not below the rank of ‘Sub-inspector’ required. (S. 53 Cr.PC)
S. 52	<u>Examination of rape accused:</u> - Registered medical practitioner can now act on the request of any police officer irrespective of rank.	Request of officer not below the rank of Sub-inspector required. (S. 53-A Cr.PC)
S. 53	<u>Examination of arrested person:</u> - 1 st proviso - one more examination of arrested person if found necessary by the medical officer.	No provision for second examination. (S. 54 Cr.PC)
S. 54	<u>Identification of person arrested:</u> - In case the person who has to identify, is mentally or physically disabled, process shall be recorded by any audio-video electronic means (e.g. mobile).	Provision only for videography. (S. 54-A Cr.PC)
S. 58	<u>Person arrested not to be detained more than 24 hours:</u> - Production before nearest Magistrate – whether having jurisdiction or not.	No reference to “jurisdiction” of Magistrate. (S. 57 Cr.PC)

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S. 63 S. 64	<u>Form and Service of summons:</u> - Summons can be issued in an encrypted form or any other form of electronic communication and also served by electronic mode.	No provision to issue or serve summons in electronic form. (S. 61-62 Cr.PC)
S. 70	<u>Proof of service:</u> - All summons served through electronic mode u/s. 64 to 71 shall be considered as duly served.	No reference to electronic mode. (S. 68 Cr.PC)
S. 82	<u>Procedure of arrest of person:</u> - Information of arrest to designated police officer.	No such requirement. (S. 80 Cr.PC)
S. 86 (New Provision)	<u>Identification and attachment of property of proclaimed person:</u> - On written request from police officer (SP or CP), Court can initiate process for identification, attachment and forfeiture of property of proclaimed offender.	No such provision.
S. 94	<u>Summons to produce document or other thing:</u> - Production of electronic communication including communication devices is added.	“any document or other thing”. (S. 91 Cr.PC)
S. 105 (New Provision)	<u>Recording of Search & Seizure:</u> - Process of conducting search / taking possession of property shall be recorded through any audio-video electronic means, preferably mobile phone.	No such provision.
S. 107 (New Provision)	<u>Attachment, forfeiture or restoration of property:</u> - Police officer may apply for attachment of property derived or obtained as a result of criminal activity. - Show cause notice to the owner. - Order of attachment after hearing. - Provision to proceed ex-parte. - Order to distribute proceeds of crime to victims. (No provision for sale of property).	No such provision.
S. 129	<u>Security for good behaviour from habitual offenders:</u> - Only names of the Special Acts omitted/modified.	(S. 110 Cr.PC)

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S. 130	<u>Order to be made:</u> - Magistrate has to consider the “sufficiency and fitness” of sureties.	“character and class of sureties” (S. 111 Cr.PC)
S. 145	<u>Procedure for deciding applications of maintenance:</u> - Proceedings may be taken in any District “where his father or mother resides”.	No such option. (S. 126 Cr.PC)
S. 148	<u>Dispersal of assembly by use of civil force:</u> - Sub-section (2) - “assistance of any male person” replaced with “assistance of any person”.	“assistance of any male person” (S. 129 Cr.PC)
S. 149	<u>Use of armed forces to disperse assembly:</u> - Sub-section (1) - “Executive Magistrate of highest rank” replaced with “District Magistrate or any other Executive Magistrate authorised by him”.	“Executive Magistrate of the highest rank” (S. 130 Cr.PC)
S. 154	<u>Person to obey or show-cause:</u> - Person against whom order is made may be permitted to appear or conduct hearing through audio-video conferencing.	No provision for virtual appearance or hearing. (S. 135 Cr.PC)
S. 157	<u>Where person appears to show-cause:</u> - Procedure made time bound – to be completed in 90 days - can extend for reasons to 120 days. - (When order is made u/s. 152 of BNSS, 2023 by D.M./S.D.M./E.M.)	No time limit. (S. 138 Cr.PC)
S. 162	<u>Prohibition to repeat/continue public nuisance:</u> - Deputy Commissioner of police may also be empowered by State Govt.	‘Deputy Commissioner’ not included. (S. 143 Cr.PC)

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<p>S. 172 (New Provision) <u>Persons bound to conform to lawful directions of police:</u></p> <ul style="list-style-type: none"> - All persons bound to conform to lawful directions of Police Officer. - Police Officer may detain/remove any person not conforming to the directions. - Officer may take such person before Magistrate or in petty cases release him as soon as possible within 24 hours. 	<p>No such provision.</p>
<p>S. 173 <u>Information in a cognizable cases:</u></p> <ul style="list-style-type: none"> - “irrespective of the area where the offence is committed” - Information of cognizable offence can be given by electronic communication - to be taken on record within 3 days. - Copy of FIR free of cost to the informant / victim. - 173(3) – Where offence punishable for 3 to 7 years, preliminary enquiry within 14 days to ascertain if there is a prima-facie case. - On refusal to record FIR, provision to make an application to Magistrate. - (1st Proviso – Information by woman in specific offences to be recorded by a woman officer – Added in Cr.P.C. since 2013) 	<p>No provision relating to jurisdictional area for registration of FIR.</p> <p>No option/provision to give information by electronic communication.</p> <p>No provision for preliminary inquiry. (S. 154 Cr.PC)</p>
<p>S.174 <u>Information as to non-cognizable cases and their investigation:</u></p> <ul style="list-style-type: none"> - Requirement of forwarding daily diary report of all cases fortnightly to Magistrate. 	<p>No such requirement. (S. 155 Cr.PC)</p>
<p>S.175 <u>Police Officer’s power to investigate cognizable case & Order of Magistrate to investigate:</u></p> <ul style="list-style-type: none"> - Proviso: S.P. may require Dy. S.P. to investigate. - Application supported by Affidavit. - After enquiry and consideration of submissions of police officer. - If complaint is against public servant, investigation subject to i) receiving report of incident from officer superior to him. ii) after 	<p>No such provisions/requirements. (S. 156 Cr.PC)</p>

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considering his assertions.	
<p>S.176 <u>Procedure for investigation:</u></p> <ul style="list-style-type: none"> - <u>2nd proviso</u>: Rape victim’s statement may be taken through audio-video electronic means. - <u>Sub-section (2)</u>: Daily diary fortnightly report to the Magistrate. - <u>Sub-section (3)</u>: Offences punishable for 7 years or more - forensic expert to visit crime scene & cause videography of the process on mobile or any other electronic device. (Date to enforce this provision to be notified by State Government within period of 5 years). 	<p>No such provisions in existing procedure. (S. 157 Cr.PC)</p>
<p>S. 179 <u>Police officer’s power to require attendance of witnesses:</u></p> <ul style="list-style-type: none"> - 1st proviso extends exemption from attendance in police station to person with acute illness. - 2nd proviso provides that if such person is willing to attend police station, he may be permitted. 	<p>No such category for exemption. (S. 160 Cr.PC)</p>
<p>S. 183 <u>Recording of confessions and statements:</u></p> <ul style="list-style-type: none"> - 1st proviso to 183(6)(a): To record statement of victim in specific offences by a woman magistrate & in her absence, by a male Magistrate in the presence of a woman. - 2nd proviso to 183(6)(a): To record statement of witness in offences punishable with imprisonment for 10 years or more or life or death. - 4th proviso to 183(6)(a): To record statement of mentally or physically disabled person through audio-video electronic means. 	<p>No such features. (S. 164 Cr.PC)</p>
<p>S. 184 <u>Medical examination of rape victim:</u></p> <ul style="list-style-type: none"> - S. 184(6): Submission of report is made time bound – to be forwarded to IO in 7 days. 	<p>Report to be forwarded “without delay” (S. 164-A Cr.PC)</p>
<p>S. 185 <u>Search by police officer:</u></p> <ul style="list-style-type: none"> - Proviso to S. 185(2): to record the search through audio-video electronic means, preferably by cell phone. - S. 185(5): Copies of record to be sent to Magistrate within 48 hours. 	<p>No such requirement and no time limit. (S. 165 Cr.PC)</p>

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<p>S. 187 <u>Remand:</u></p> <ul style="list-style-type: none"> - 187(2): Magistrate to pass order after considering whether accused produced 'has not been released on bail' or 'his bail has been cancelled'. - 187(2): Detention can be authorized for a term not exceeding 15 days in the whole, or in parts, at any time during the initial 40 or 60 days out of detention of 60 or 90 days, as the case may be. - 187(3): May authorise detention beyond the period of 15 days [This sub-section cannot be read in isolation and it is subject to the restriction of total period provided in sub-section (2) shown above] - 187(3): Detention not exceeding 90 days where the investigation is for offence punishable with death, imprisonment for life or imprisonment for a term of 10 years or more. 	<p>167(2): 15 days in the whole.</p> <p>167(2) proviso (a): No PC beyond 15 days.</p> <p>167(2) proviso (a)(i): Detention not exceeding 90 days where the investigation is for offence punishable with death, imprisonment for life or imprisonment for a term of not less than 10 years. (S. 167 Cr.PC)</p>
<p>S. 190 <u>Cases to be sent to Magistrate when evidence is sufficient:</u></p> <ul style="list-style-type: none"> - Proviso to S. 190(1): If accused is not in custody, police officer to take security for his appearance before Magistrate who shall not refuse to accept the same on the ground that accused is not taken in custody. 	<p>No such proviso. (S. 170 Cr.PC)</p>
<p>S. 193 <u>Final report after investigation:</u></p> <ul style="list-style-type: none"> - S. 193(2): Two months completion period of investigation extended to POCSO cases. - S. 193(3): Report can be forwarded to Magistrate through electronic communication. - S. 193(3)(i): Report shall also contain sequence of custody in case of electronic device. - S. 193(3)(ii) : To inform victim/informant about progress of investigation within 90 days. - S. 193(8): Supply of copies to accused through the Magistrate is made mandatory - compliance by electronic communication considered duly served. - Time limit of 90 days for completion of further 	<p>No provision for forwarding report to Magistrate or supply of copies to accused through electronic mode.</p> <p>No time limit to complete further investigation. (S. 173 Cr.PC)</p>

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	investigation - it can be extended by Court.	
S. 194	<u>Police to enquire & report on suicide:</u> - S. 194(2): Report shall be forwarded to DM or SDM within 24 hours.	S. 174(2): Report shall be forwarded to DM or SDM forthwith. (S. 174 Cr.PC)
S. 195	<u>Power to summon persons:</u> - Proviso to S. 195(1): No male under 15 years or above 60 years, or a woman, or a mentally or physically disabled person, or person with acute illness shall be required to attend at any place other than place where such person resides.	No such categories of persons. (S. 175 Cr.PC)
S. 202	<u>Offences committed by letters:</u> - Words " <i>electronic communication</i> " inserted in this provision.	Only letters or tele-communication messages. (S. 182 Cr.PC)
S. 208	<u>Offence committed outside India:</u> Words " <i>or where the offence is registered in India</i> ".	Any place within India at which he may be found. (S. 188 Cr.PC)
S. 209	<u>Evidence relating to offences committed outside India:</u> - Words " <i>either physical form or in electronic form</i> ".	No such words. (S. 189 Cr.PC)
S. 210	<u>Cognizance of offences by Magistrate:</u> -Sub-Section 1(a) : " <i>including any complaint filed by a person authorised under any special law which constitutes such offence</i> ". - Sub-Section 1(b) : Police report in electronic mode included.	No such words. (S. 190 Cr.PC)
S. 215	<u>Prosecution for contempt of lawful authority of public servants:</u> - Words " <i>or of some other public servant who is authorized by the concerned public servant so to do</i> " in sub-section 1(a).	No such words. (S. 195 Cr.PC)
S. 218	<u>Prosecution of Judges and public servants:</u>	No time limit. No deemed sanction.

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<p>- S.218(1)2nd proviso: Time limit to take decision by Govt. is within 120 days from the date of receipt of request for sanction, failing which there will be deemed sanction.</p> <p>- 3rd Proviso : No sanction required in specific offences- This provision was part of Cr.PC. as “Explanation” to S. 197(1).</p>	<p>(S. 197 Cr.PC)</p>
<p>S. 219 <u>Prosecution for offences against marriage:</u></p> <p>- Words in proviso (a) to S. 219 added “<i>such person is a child, or is a unsound mind or is having intellectual disability requiring higher support</i>”.</p>	<p>No such categories in “such persons”. (S. 198 Cr.PC)</p>
<p>S. 222 <u>Prosecution for defamation:</u></p> <p>Words in S. 222 proviso “<i>such person is a child, or is a unsound mind or is having intellectual disability</i>”.</p>	<p>No such categories in “such persons”. (S. 199 Cr.PC)</p>
<p>S. 223 <u>Examination of complainant:</u></p> <p>- 1st Proviso: No cognizance of offence without giving opportunity of hearing to accused.</p> <p>- 223(2): No cognizance of complaint against public servant unless he is heard and report of incident is received from his superior officer.</p>	<p>No necessity to hear accused before taking cognizance. No provision relating to public servant. (S. 200 Cr.PC)</p>
<p>S. 227 <u>Issue of process:</u></p> <p>- Summons/warrants may be issued through electronic means.</p>	<p>No provision for electronic service. (S. 204 Cr.PC)</p>
<p>S. 229 <u>Special summons in case of petty offence:</u></p> <p>- Monetary limit of fine – increased from Rs. 1000/- to Rs. 5000/-</p>	<p>Monetary limit Rs. 1000/- (S. 206 Cr.PC)</p>

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S. 230	<p><u>Supply of documents to accused:</u></p> <ul style="list-style-type: none"> - Time limit to supply: Maximum 14 days from date of production / appearance of accused. - Copy to victim within 14 days (if represented by an advocate). - Supply of documents in electronic form considered as duly furnished. 	<p>Supply of documents “without delay” – no specific time limit.</p> <p>No provision for electronic service. (S. 207 Cr.PC)</p>
S. 231	<p><u>Supply of documents in other cases triable by Court of Session:</u></p> <ul style="list-style-type: none"> - “without delay” replaced with “forthwith”. - Supply of documents in electronic form considered as duly furnished. 	<p>Supply of documents “without delay”.</p> <p>No provision for electronic service. (S. 208 Cr.PC)</p>
S. 232	<p><u>Commitment of case to Sessions Court:</u></p> <ul style="list-style-type: none"> - 1st proviso: Time limit of 90 days to complete proceedings – may be extended for max. 180 days. - 2nd proviso: Forward any application filed by accused / victim to Court of Session with case. 	<p>No time limit. (S. 209 Cr.PC)</p>
S. 242	<p><u>Offences of same kind within year:</u></p> <ul style="list-style-type: none"> - Number of offences that may be charged and tried together increased from 3 to 5. 	<p>Max. 3 offences may be charged and tried together. (S. 219 Cr.PC)</p>
S. 249	<p><u>Opening case for prosecution:</u></p> <ul style="list-style-type: none"> - Words “or under any other law for time being in force” are added. 	<p>No such words used in provision. (S. 226 Cr.PC)</p>
S. 250	<p><u>Discharge in Sessions case:</u></p> <ul style="list-style-type: none"> - Time limit for making discharge application – 60 days from date of committal. 	<p>No time limit. (S. 227 Cr.PC)</p>
S. 251	<p><u>Framing of charge:</u></p> <ul style="list-style-type: none"> - Time limit for framing charge – 60 days from the first hearing on charge. - Physical presence of accused not required. 	<p>No time limit. Physical presence of accused required. (S. 228 Cr.PC)</p>
S. 254	<p><u>Evidence for prosecution:</u></p>	<p>Not provided. (S. 231 Cr.PC)</p>

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- Use of audio-video electronic means allowed.	
S. 258 <u>Judgment (Trial before Court of Session):</u> - Time bound disposal of case – 30 days from date of completion of argument, can be extended to 45 days for reasons to be recorded in writing.	No time limit. (S. 235 Cr.PC)
S. 260 <u>Procedure in defamation cases instituted under S. 222 (2):</u> - Maximum limit of compensation increased from Rs. 1000/- to Rs. 5000/-.	Max. compensation Rs. 1000/- (S. 237 Cr.PC)
S. 262 <u>Discharge in warrant cases:</u> - Time limit for filing discharge application – 60 days from date of supply of documents.	No time limit. (S. 239 Cr.PC)
S. 263 <u>Framing of charge in warrant case:</u> - Time limit for framing charge – 60 days from the first hearing on charge.	No time limit. (S. 240 Cr.PC)
S. 265 & 266 <u>Evidence for prosecution:</u> <u>Evidence for defence:</u> - 2 nd proviso of both sections permit recording of evidence by audio-video electronic means at designated place to be notified by State Govt.	No such features. (S. 242 & 243 Cr.PC)
S. 269 <u>Procedure where accused is not discharged:</u> - 269(7): If attendance of prosecution witnesses cannot be secured for cross - deemed that such witness not available – Magistrate may close prosecution evidence.	No deeming provision. (S. 246 Cr.PC)
S. 272 <u>Absence of complainant:</u> - 30 days time to complainant to remain present.	No such time limit. (S. 249 Cr.PC)
S. 274 <u>Substance of accusation to be stated:</u> - Proviso: If accusation is considered groundless, accused shall be released after recording reasons. - Release shall have effect of discharge.	No such option to Magistrate. (S. 251 Cr.PC)

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<p>S. 279 <u>Non-appearance/death of complainant:</u> - 30 days time to complainant to remain present.</p>	<p>No such time limit. (S. 256 Cr.PC)</p>
<p>S. 283 <u>Power to try summarily:</u> - Summary trial made mandatory for the specified offences. - Monetary limit for summary trial of petty offences increased from Rs. 2,000/- to Rs. 20,000/- - S.283(2): All or any of the offences not punishable with death or life or imprisonment exceeding 3 years may be tried summarily. - No appeal shall lie against decision of Magistrate to try a case in a summary way under S. 283(2).</p>	<p>Discretion of Magistrate to try the specified offences in a summary way. Monetary limit of petty offences Rs. 2000/- (S. 260 Cr.PC)</p>
<p>S. 290 <u>Plea-bargaining:</u> - Time limit of 30 days to accused to file application from the date of framing of charge. - Time limit to reach mutually satisfactory disposition – 60 days.</p>	<p>No such time limits. (S. 265-B Cr.PC)</p>
<p>S. 293 <u>Disposal of case (Plea-bargaining :</u> - 293(c): One-fourth of minimum punishment for first time offender, otherwise half. - 293(d): One-sixth of punishment provided/extendable for first time offender, otherwise one-fourth.</p>	<p>Half of minimum punishment S. 265-E(c) Cr.PC One fourth of minimum/extendable punishment. S. 265-E(d) Cr.PC</p>
<p>S. 303 <u>Power of State Govt. or Central Govt. to exclude certain persons from operation of S. 302 – attendance of prisoners:</u> - Central Govt. also conferred power under this provision along with State Govt.</p>	<p>Only State Govt. had power. (S. 268 Cr.PC)</p>
<p>S. 308 <u>Evidence to be taken in the presence of accused:</u> - Evidence can be taken through audio-video electronic means at a designated place to be notified by State Govt. Proviso : Recording of evidence of woman below 18 years in sexual offence – not to be confronted by accused (This proviso added in Cr.P.C. in 2013)</p>	<p>No provision for audio-video electronic recording. (S. 273 Cr.PC)</p>

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S. 316	<p><u>Record of examination of accused:</u></p> <ul style="list-style-type: none"> - 316(4): Signature of accused in custody who is examined through electronic communication – shall be taken within 72 hours. 	No provision for electronic recording. (S. 281 Cr.PC)
S. 330	<p><u>No formal proof of certain documents:</u></p> <ul style="list-style-type: none"> - Time limit to admit or deny genuineness of documents – maximum 30 days. - Court may relax the time limit for reasons. - No expert shall be called in Court unless report of expert is disputed by any of the parties. 	No such time limit. (S. 294 Cr.PC)
S. 336 (New Provision)	<p><u>Evidence of public servants, experts, police officers in certain cases:</u></p> <ul style="list-style-type: none"> - In case of non-availability of the public servants, experts, police officers who have prepared the document to be used as evidence, Court shall secure the presence of successor officer. - 2nd Proviso : Allowed through electronic mode. 	No such provision.
S. 346	<p><u>Power to postpone or adjourn proceedings:</u></p> <ul style="list-style-type: none"> - 1st proviso to sub-section (2) : “No Court” shall remand accused exceeding 15 days - 4th proviso (b) to sub-section (2) : Not more than two adjournments after hearing objections. 	<p>1st proviso to sub-section (2) : “No Magistrate” shall remand accused ..exceeding 15 days...</p> <p>No limit to grant adjournments. (S. 309 Cr.PC)</p>
S. 349	<p><u>Power of Magistrate to order for specimen signatures or handwriting etc.:</u></p> <ul style="list-style-type: none"> - “Finger impressions or voice samples” added along with specimen signatures and handwriting. - 2nd proviso : May order any person to give specimen or sample without him being arrested. 	<p>Only specimen signatures and handwriting mentioned.</p> <p>No order shall be made unless the person has been arrested at some time. (S. 311-A Cr.PC)</p>
S. 355	<p><u>Inquiry and trial in absence of accused:</u></p> <ul style="list-style-type: none"> - Personal attendance of accused includes attendance through audio-video electronic means. 	No provision for attendance through audio-video electronic means. (S. 317 Cr.PC)

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<p>S. 356 <u>Trial in absence of proclaimed offender:</u> (New Provision) - Accused is declared as proclaimed offender. - Whether or not charged jointly. - Has absconded to evade trial. - There is no immediate prospect of arresting him. - Waiver of right to be present and tried in person. - Court to proceed as if accused is present. - Trial not to commence unless 90 days have lapsed from the date of framing of charge. - Steps to be taken before proceeding u/s.s. (1) : i) Two consecutive warrants of arrest within interval of 30 days. ii) Publication in newspaper to appear in 30 days iii) Inform his relative or friend. iv) Affix information on his house.</p>	<p>No such provision.</p>
<p>S. 360 <u>Withdrawal from prosecution:</u> - 2nd proviso: Opportunity of hearing to the victim.</p>	<p>No provision for hearing the victim. (S. 321 Cr.PC)</p>
<p>S. 366 <u>Court to be open:</u> - Provision of “in-camera” trial extended to trial under POCSO Act.</p>	<p>No provision for POCSO Act. (S. 327 Cr.PC)</p>
<p>S. 383 <u>Summary procedure for trial for giving false evidence:</u> - Maximum fine increased from Rs. 500/- to Rs. 1000/-</p>	<p>Maximum fine Rs. 500/- (S. 344 Cr.PC)</p>
<p>S. 384 <u>Procedure in certain cases of contempt:</u> - Max. fine increased from Rs. 200/- to Rs. 1000/-</p>	<p>Maximum fine Rs. 200/- (S. 345 Cr.PC)</p>
<p>S. 389 <u>Summary procedure for punishment for non-attendance by witness on receiving summons:</u> - Max. fine increased from Rs. 100/- to Rs. 500/-</p>	<p>Maximum fine Rs. 100/- (S. 350 Cr.PC)</p>

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S. 392	<u>Judgment (Trial in any Criminal Court):</u> <ul style="list-style-type: none"> - Time limit for pronouncement of Judgment – Maximum 45 days after termination of trial. - Copy of Judgment to be uploaded within 7 days. - Accused in custody can hear the Judgment through audio-video electronic means. 	No time limit. No provision to upload Judgment. Accused in custody to be produced to hear the pronouncement of Judgment. (S. 353 Cr.PC)
S. 397	<u>Treatment of Victims:</u> <ul style="list-style-type: none"> - The scope of providing first-aid/medical treatment free of cost to victims extended to victims under Sections 4, 6, 8 or 10 of POCSO Act. 	Victims of POCSO Act not included. (S. 357-C of Cr.PC)
S. 398 (New Provision)	<u>Witness Protection Scheme:</u> <ul style="list-style-type: none"> - Every State Govt. to prepare and notify Witness Protection Scheme to ensure protection of witnesses. 	No such provision.
S. 404	<u>Copy of Judgment to be given to accused and other persons:</u> <ul style="list-style-type: none"> - 2nd proviso: Free of cost certified copy of Judgment, order or evidence to Prosecuting Officer for the Govt. on making application. 	No provision for supplying copy to Govt. free of cost. (S. 363 Cr.PC)
S. 405	<u>Judgment when to be translated:</u> <ul style="list-style-type: none"> - The words “the accused so requires” substituted by “and if either party so requires”. 	Only accused mentioned in the provision. (S. 364 Cr.PC)
S. 407	<u>Sentence of death to be submitted forthwith to High Court for confirmation:</u> <ul style="list-style-type: none"> - The proceedings shall “<i>forthwith</i>” be submitted to the High Court for confirmation. 	There is no word “forthwith”. (S. 366 Cr.PC)
S. 412	<u>Procedure in cases submitted to High Court for confirmation:</u> <ul style="list-style-type: none"> - Copy of order passed by High Court shall be sent either physically or through electronic means to Sessions Court. 	No provision to send by electronic mode. (S. 371 Cr.PC)

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S. 417	<p><u>No appeal in petty cases:</u></p> <p>- Sub-section(a) provides that there shall be no appeal by convict were High Court passes sentence of imprisonment for a term not exceeding “3 months”.</p>	<p>Where sentence of imprisonment by High Court is for a term not exceeding “6 months”. (S. 376 Cr.PC)</p>
S. 418	<p><u>Appeal by State Govt. against sentence:</u></p> <p>- Sub-section(2), “Delhi Special Police Establishment Act” replaced by “any Central Act”.</p>	<p>‘Delhi Special Police Establishment Act’ in sub-section(2). (S. 377 Cr.PC)</p>
S. 419	<p><u>Appeal in case of acquittal:</u></p> <p>- Sub-section(2), “Delhi Special Police Establishment Act” replaced by “any Central Act”.</p>	<p>‘Delhi Special Police Establishment Act’ in sub-section(2). (S. 378 Cr.PC)</p>
S. 446	<p><u>Power of Supreme Court to transfer cases and appeals:</u></p> <p>- In sub-section (3) compensation “not exceeding Rs. 1000/-” replaced by “such sum”.</p>	<p>In sub-section (3) compensation “not exceeding Rs. 1000/-” (S. 406 Cr.PC)</p>
S. 447	<p><u>Power of High Court to transfer cases and appeals:</u></p> <p>- In sub-section (7) compensation “not exceeding Rs. 1000/-” replaced by “such sum”.</p>	<p>In sub-section (7) compensation “not exceeding Rs. 1000/-” replaced by “such sum”. (S. 407 Cr.PC)</p>
S. 448	<p><u>Power of Sessions Judge to transfer cases and appeals:</u></p> <p>- In sub-section (3), words “one thousand rupees” & “two hundred & fifty rupees” replaced by “sum” & “sum not exceeding ten thousand rupees” respectively.</p>	<p>In sub-section (3), words “one thousand rupees” & “two hundred & fifty rupees”. (S. 408 Cr.PC)</p>

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<p>S. 472 <u>Mercy petition in death sentence cases:</u> (New Provision)</p> <ul style="list-style-type: none"> - Convict or his legal heir or any other relative may file mercy petition against death sentence before President of India or Governor of State within 30 days from the date on which Superintendent of Jail informs him about: <ol style="list-style-type: none"> i) Dismissal of appeal, review or special leave to appeal by SC. ii) Date of confirmation of death sentence by HC and expiry of time allowed to file appeal in SC. - Sub-sections (2) to (7) lay down the procedure. 	<p style="text-align: center;">No such provision.</p>
<p>S. 474 <u>Power to commute sentence:</u></p> <ul style="list-style-type: none"> - of death ► for life. - of life ► for a term not less than 7 yrs. - 7 yrs. or more ► not less than 3 yrs. - Less than 7 yrs. ► for fine. - RI ► for SI for any term that might be imposed. 	<ul style="list-style-type: none"> -death - any other punishment as per IPC. -life – term not more than 14 yrs. or for fine. -RI – for SI for any term that might be imposed or fine. -SI – Fine (S. 433 Cr.PC)
<p>S. 477 <u>State Govt. to act after concurrence with Central Govt. in certain cases:</u></p> <ul style="list-style-type: none"> - Sub-section(1), “Delhi Special Police Establishment Act” replaced by “any Central Act”. 	<p style="text-align: center;">‘Delhi Special Police Establishment Act’ in sub-section(1). (S. 435 Cr.PC)</p>
<p>S. 479 <u>Maximum period for which undertrial prisoner can be detained:</u></p> <ul style="list-style-type: none"> - Not being an offence punishable with death or <i>life imprisonment</i>. - 1st proviso: First time offender – undergone one-third of maximum period of punishment. - Non-obstante clause – sub-section(2) – where trial of more than one offence or in multiple cases are pending against a person – <i>he shall not be released on bail</i>. - Sub-section(3) – Superintendent of Jail shall make an application to Court for release of accused where accused has completed one half or one third of period mentioned in sub-section(1). 	<ul style="list-style-type: none"> - Not being an offence punishable with death. - No proviso for first time offender. - No provision regarding multiple cases against accused. - No provision regarding application by Jail Superintendent. (S. 436-A Cr.PC)
<p>S. 480 <u>Bail in case of non-bailable offence:</u></p> <ul style="list-style-type: none"> - “Under the age 16 years” omitted – replaced with “child”. - 3rd proviso: Police custody beyond first 15 days shall not be sufficient ground for refusing bail. 	<ul style="list-style-type: none"> - Under the age 16 years - No provision like 3rd proviso. (S. 437 Cr.PC)

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<p>S. 482 <u>Bail to person apprehending arrest:</u></p> <ul style="list-style-type: none"> - Clauses (i) to (iv) of sub-section (1) omitted. - No provision for interim order. - Not applicable to offences u/s. 65(2) & S.70 of BNS (IPC) (Rape of woman under 12 years of age and Gang rape). - Provision regarding presence of applicant at the time of final hearing omitted. 	<ul style="list-style-type: none"> - Clauses (i) to (iv) of sub-section (1) to be considered before granting bail. - Provision for interim order. - Sub-section(1-B) regarding presence of applicant at the time of final hearing. <p style="text-align: center;">(S. 438 Cr.PC)</p>
<p>S. 497 <u>Order for custody and disposal of property pending trial:</u></p> <ul style="list-style-type: none"> - Any Criminal Court or <i>Magistrate</i> - Magistrate to prepare statement of property within 14 days from production. - Photograph/videograph of the property. - Time limit of 30 days to order disposal, destruction, confiscation or delivery of property. 	<p style="text-align: center;">No such provisions.</p> <p style="text-align: center;">(S. 451 Cr.PC)</p>
<p>S. 499 <u>Payment to innocent purchaser of money found on accused (theft or stolen property) :</u></p> <ul style="list-style-type: none"> - The payment is to be made to the purchaser within 6 months from the date of order. 	<p style="text-align: center;">No time limit.</p> <p style="text-align: center;">(S. 453 Cr.PC)</p>
<p>S. 505 <u>Power to sell perishable property:</u></p> <ul style="list-style-type: none"> - Value of perishable property – “less than Rs. 500/-” replaced with “less than Rs. 10,000/-” 	<p style="text-align: center;">Value of perishable property – “less than Rs. 500/-”</p> <p style="text-align: center;">(S. 459 Cr.PC)</p>
<p>S. 514 <u>Bar to taking cognizance (Limitation) :</u></p> <ul style="list-style-type: none"> - <i>Explanation</i> : The relevant date for computing period of limitation shall be date of filing complaint (S. 223) or date of FIR (S. 173). 	<p style="text-align: center;">No such explanation provided.</p> <p style="text-align: center;">(S. 468 Cr.PC)</p>
<p>S. 530 (New Provision) <u>Trial and proceedings in electronic mode:</u></p> <p>All trials/proceedings may be held in electronic mode:</p> <ul style="list-style-type: none"> - Service and execution of summons/warrant. - Examination of complainant and witnesses. - Recording of evidence in inquiries/trials. - All appellate proceedings. 	<p style="text-align: center;">No such provision.</p>

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S. 531	<u>Repeal and Savings:</u> All proceedings arising out of an offence and pending before 1.7.2024 such as appeal, application, trial, inquiry or investigation, shall be disposed of, continued, held or made under Cr.PC., as if BNSS had not come into force.	Pari materia, except the proviso to S. (2)(a) in Cr.PC. 1973, which came into force after repeal of Code of 1898. (S. 484 Cr.PC)

Girish R. Agrawal,
Joint Director, MJA