

**RMM LAW COLLEGE SAHARSA**

**CODE OF CRIMINAL PROCEDURE**

**IIIrd Part**

**Paper -3**

**TOPIC- PROVISIONS AS TO  
ACCUSED PERSONS OF**

**Topic- Disposal of Property**

**Lecture Notes by- BINOD KUMAR JHA**

**Date- 30/08/2020**

**Order of the court in the case of**

**454. Appeal against orders under section 452 or section 453.**

(1) Any person aggrieved by an order made by a Court under section 452 or section 453, may appeal against it to the Court to which appeals ordinarily lie from convictions by the former Court.

(2) On such appeal, the Appellate Court may direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just.

(3) The powers referred to in sub-section (2) may also be exercised by a Court of appeal, confirmation or revision while dealing with the case in which the order referred to in sub-section (1) was made.

**455. Destruction of libellous and other matter.**

(1) On a conviction under section 292, section 293, section 501 or section 502 of the Indian Penal Code (45 of 1860), the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted. (2) The Court may, in like manner, on a conviction under section 272, section 273, section 274, or section 275 of the Indian Penal Code (45 of 1860), N

order the food, drink drug or medical preparation in respect of which the conviction was had, to be destroyed.

## STATE AMENDMENT

Tamil Nadu:

In sub-section (1) of section 455, after the word and figures "section 292" the word, figures and letter "section 292A" shall be inserted. Vide Tamil Nadu Act 13 of 1982, sec. 2 (w.e.f. 21-9-1981).

### **456. Power to restore possession of immovable property.**

(1) When a person is convicted of an offence attended by criminal force or show of force or by criminal intimidation, and it appears to the Court that, by such force or show of force or intimidation, any person has been dispossessed of any immovable property, the Court may, if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who may be in possession of the property:

Provided that no such order shall be made by the Court more than one month after the date of the conviction.

(2) Where the Court trying the offence has not made an order under sub-section (1), the Court of appeal, confirmation or revision may, if it thinks fit, make such order while disposing of the appeal, reference or revision, as the case may be.

(3) Where an order has been made under sub-section (1), the provisions of section 454 shall apply in relation thereto as they apply in relation to an order under section 453.

(4) No order made under this section shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

#### **457. Procedure by police upon seizure of property.**

(1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation

#### **COMMENTS**

If in the opinion of the Court seized property is required for use at the time of enquiry or trial property shall not be released, otherwise it may be released on furnishing adequate security; *Free Legal Aid Committee v. State of Bihar*, (1982) BLJ 241.