

**RMM LAW COLLEGE SAHARSA**

**CODE OF CRIMINAL PROCEDURE**

**IIIrd Part**

**Paper -3**

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

**Topic- REVISION**

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**and the name of the accused**

Law can be divided into two kinds, namely, (1) Substantial law and, (2) Procedural law.

Substantial law defines and regulates the powers, rights, duties, and liabilities, of the parties, whereas, Procedural law deals with methods and procedures to enforce the Substantial law. Criminal Procedure Code is a Procedural law.

Criminal Procedure Code cannot be separated from any of the penal laws of the country. If Substantial penal law is a major means to protect the society, the Procedural criminal law is a chief mechanism to achieve and enforce the Substantial law. Before coming into force of the Criminal Procedure code, 1973, the criminal Procedure code of 1898 was in force. In this new code, many reforms were made, whose paramount object was the separation of the judicial from the Executive.

In the Criminal Procedure code, 1973, in all, there are 37 Chapters, 484 Sections, and two Schedules. In this First Schedule, there is the classification of the offenses and in the Second Schedules, several forms have been included.

Criminal Procedure code, 1973 extends to the whole of India.(Section 1 ,Short title ,extent and Commencement) It shall come into force on the 1<sup>st</sup> day of April 1974.

Under Section 2, the following important definitions have been mentioned:-

- “Bailable Offense” means an offense which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and “non-bailable offense” means any other offense.
- “Charge” includes any head of the charge when the charge contains more heads than one.
- “Cognizable offense” means an offense for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant.
- “Complaint” means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offense, but does not include a police report.
- “High Court” means-
  - In relation to any State, the High Court for that State ;
  - In relation to a Union territory to which the jurisdiction of the High Court for a State has been extended by law, that High Court;
  - In relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India;
- “India” means the territories to which this Code extends;

- “Inquiry” means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court;
- “Investigation” includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorized by a Magistrate in this behalf;
- “Judicial Proceeding” includes any proceeding in the course of which evidence is or may be legally taken on oath ;
- “Local jurisdiction”, in relation to a Court or Magistrate, means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Code ;
- “Non-Cognizable Offence” means an offense for which, and “non-cognizable case” means a case in which, a police officer has no authority to arrest without warrant;
- “Offense” means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 ( 1 of 1871);
- “Officer in charge of a police station” includes, when the officer in charge of the police station is absent from the station house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present ;
- “Police Report” means a report forwarded by a police officer to Magistrate under sub-section (2) of section 173;
- “Police Station” means any post or place declared generally or especially by the State Government, to be a police station, and

includes any local area specified by the State Government in this behalf ;

- “Public Prosecutor” means any person appointed under section 24, and includes any person acting under the directions of a Public Prosecutor ;
- “summons-case” means a case relating to an offense, and not being a warrant-case ;
- “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;
- “warrant-case” means a case relating to an offense punishable with death, imprisonment for life or imprisonment for a term exceeding two years;