V. 3 UNDER THE CODE OF CRIMINAL PROCEDURE, 1973

The Code of Criminal Procedure, 1973 is the only major statute prescribing the mode, powers and functions that may be exercised by the police and the courts in our country. Prior to that there was no uniform law of criminal procedure for the whole of India. There were separate Acts for the provinces and provincial Towns, which were rudimentary in nature. The first consolidated Code for the province was Criminal Procedure Supreme Court Act, 1852 which in course of time gave place to High Court Criminal Procedure Act, 1865. The Act applying to the provinces was replaced by the general Criminal Procedure Code, 1861 which was again replaced by the Act of X 1872. Subsequently, the Law Commission was asked to examine the details of the then existing criminal procedure and to suggest suitable enactment. Accordingly, vide its 14th Report, 1958 the Law Commission suggested for wide reform in this regard. Finally, after re-constitution, the Commission, submitted its report in 1969 which was placed as a Draft Bill No. XLI of 1970 in the Rajya Sabha. Finally, the bill was passed by both the houses of

parliament and received the assent of the President of India. It came into force from 1st April, 1974**.**

This Act also provides certain provisions pertaining to protection of the basic human rights of common human being. After a minute scrutiny, the following provisions are refereed to in which the role of the subordinate courts in protecting human rights come into play.

I. PROCEDURE OF ARREST AND PROTECTION OF ARRESTEE

Section 46 (1) of the Code of Criminal Procedure (herein after referred as Code) provides that in making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. Therefore, an arrest i.e. curtailment of the liberty of a person can be restricted by way of arrest, and the law provides the mode that there must be actual touch or confinement of the body. The law requires that if a police officer touches with intent to detain a person that amounts to arrest. But, there are occasions wherein it is reported that before apprehension of an accused unnecessary force including torture are inflicted. This is violation of human rights.

Sub-section (2) of the Act provides that if such person forcibly resists the endeavour to arrest him or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest. Again, sub-section (3) provides that nothing in this section gives such arresting authorities a right to cause the death of a person who is not an accused of an offence punishable with death or with imprisonment for life.

Therefore, although the law empowers the arresting authorities to arrest the offenders or criminals as per their statutory powers or as may be directed by the courts of law, yet, such authority cannot act beyond what is empowered to them. Their power is to apprehend the person concerned and not to torture on him or her if he or she is found readily submissive to law. If he or she does not escape or wants to escape then he or she should not be inflicted any sort of torture or other humiliating treatment.

II. SPECIAL PROVISION FOR ARREST OF WOMEN

In case of male accused, there is no bar on the part of the arresting officer to apprehend even if it was conducted during night hours. But,

there is a restriction if the arrest pertains to a female. A new sub section namely sub-section (4) has been inserted in the Code of Criminal Procedure Amendment Act, 2005 which provides that save in exceptional circumstances, no women shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the women police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.

Therefore, normally, a female shall not be subject of arrest after sunset and before sunrise. But, if the circumstances so warrants it can be done only with the prior permission of the nearest Judicial Magistrate, First class. Further, the warrant should be done only by a women police officer. But, the question arises as to how many women police officers are employed by the State of Assam to discharge such a solemn duty. As per report of the received, only thirteen[1] police officers are working in several district of Assam. Therefore, it is clear that each police station is not having a women police officer. In such a situation, it is but natural that this special privilege of women is being violated.

III. NO UNNECESSARY RESTRAINT

Section-49 of the Code provides a signal to the arresting authority that *the person arrested shall not be subjected to more restraint than is necessary to prevent his escape*. Normally, after arrest an arrestee is kept in the police lock-up in the respective police stations or police out posts. It is also seen that the arrested person is handcuffed although there are sufficient force deployed to look into the fact that he is not escaped. If the arrested person is submissive to the arresting authority, then there is no necessity of using the handcuff. And when he is detained in the Lock up then the handcuff must be removed because in as much as there is no chance for escape.

Further, the lock ups where the arrested persons are detained are also not up to the mark. Such lock up must be with hygienic condition having basic amenities like sitting arrangement, lavatory with ventilation. The arresting authority cannot restraint the arrestee in such a manner which would violate his basic fundamental rights. Specially, when the arrestee is kept in detention, then he should not be handcuffed again in as much as the same is not necessary. Such acts on the part of the

police officers are prohibited. But, in most of the police stations there is no separate accommodation for male and female arrestee. Most of the police stations have no urinal/latrine within the lock-up. If at all any such facility is available, then the same are unusable. These are violation of human rights.

IV. INFORMATION OF THE GROUND OF ARREST AND PROVISION OF BAIL

Section 50 (1) of the Code cast a solemn duty on the police officer during the time of arrest of an accused. This section provides that every Police Officer or other person arresting any person without warrant shall forthwith communicate to him the particulars of the offence for which he is arrested or other grounds for such arrest. It is the constitutional rights of an accused and vividly ruled by the Hon'ble Supreme Court of India. It is reiterated that life and personal liberty of a person is sacrosanct. Therefore, before curtailment of such liberty, it is the incumbent duty of the arresting authority to communicate the person about the ground of arrest.

Secondly, the sub-section (2) of this section provides that where a police officer arrests without warrant any person other than accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf. Thus, it is also the incumbent duty of the police officer to release the arrestee on bail if he is arrested in a bailable offence[2]. In no circumstances, such person can be detained in the police station.

The First Schedule of the Code describes the sections of the Indian Penal Code which are bailable. In those cases, even if an accused is apprehended for the purpose of investigation, it is the incumbent duty of the arresting authority to inform him that he was entitled to go on bail provided he can produce sufficient sureties. However, if such a person is arrested as per the order of the court for default in appearance before that court, then he should not be released on bail even though the offence cited in the warrant is a bailable one. When the court issues the non-bailable warrant of arrest, it is issued for default in appearance before the court. In such a situation, the section of law cited in the warrant is not material unless there is an endorsement of the court in that behalf.[2-a]

V. INFORMATION OF ARREST TO FRIENDS OR NEAR RELATIVES

While section 50 of the Code cast a duty on the police officer that the ground of arrest must be informed to the person arrested, Section-50-A of the Code cast another duty on the police officer to communicate such arrest to the friends, relatives or such other person about the ground of arrest. Section 50-A(1) of the Code provides that every Police Officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other person for the purpose of giving such information. This is intended so that the whereabouts of the arrestee would be within the knowledge of his family members or near relatives. And they would be able to move for his bail or for arrangement of sureties.

Sub-section (2) of the Code provides that the Police Officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station. Since right to life is very much valuable, the legislature after the experience of untold torture by the police agencies on the common people, cast another duty on the police

authorities that the arrested person should be informed that he is entitled to such rights.

To ensure that the above aspects are really followed by the police authorities, the legislature cast another duty on the police officers that an entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the state government[3]. Although one such memo is produced before the court at the time of production of an accused, yet, the court or law remains in dark as to whether any such entry is really made in the official register of the police station or not in as much as the court has not power over the police in these matters.

The most important part of the section is sub-section (4). The first three sub-sections cast duties on the police officers to inform the accused the ground of arrest; information to the friends or near relatives about the place of detention etc. This sub-section cast a duty on the court of law to see that the rights stated above are really provided to the arrestee and not violated in any manner. This section provides that it shall be the duty of the Magistrate before whom such arrested person is

produced to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person**.** From the above provision it is clear that the court of law are under the solemn duty to enquire compliance of the mandate of law by the police authorities. If the courts of law remain vigilant on those points, then naturally, the police authorities would be more sincere then before.

VI. MEDICAL EXAMINATION OF THE ACCUSED

Section 54(1) of the Code cast a solemn duty on the police authorities that as soon as a person is apprehended then he or she must be produced before a Medical Officer serving in a Government Hospital for examination and treatment, if any. And if no such doctor is available then by a registered medical practitioner of the locality. The proviso to this section is very much important. This section provides that if the arrested person is a female, then she should be medically examined by a female medical officer and if no such medical officer is found available, then by a female medical practitioner.

Sub-section 3 provides that when an arrested person would be produced before a medical officer or practitioner for medical examination, then after the required examination a concise report containing

particulars of the injuries and the approximate age of injury would be written. Sub-section 4 of this section provides that the medical officer by whom the arrested person would be examined will furnish a copy of the medical examination report to the arrestee or his nominee. Certainly, the aforesaid provisions have been made so as to ascertain as to whether the arrestee was subjected to any sort of torture or not. If the said provisions are checked in letter and spirit, human rights would be protected.

Section 54 of the Code is regarded as one of the most important section in the code. It is in the nature of a warning on the arresting authority that no person is assaulted or tortured during or after the arrest. Therefore, whenever he or she would be produced before the medical officer concerned injuries, if any, would be detected. Further, if a person who is already suffering from some disease, and if he is so examined, then appropriate direction would be given to the jail or other authorities for his treatment or the said point may be considered at the time of hearing on his bail. It is worthy to mention herein that although the above provision came into force in 2009 till date there is no instance that the medical examination report of an arrested person is furnished to him or his nominee. During Filed Investigation[4] of the Health

department, it is known that no such reports are furnished to the accused or his nominee.

VII. NO DETENTION BEYOND 24 HOURS

Like Article 20 of the Constitution of India, Section 57 of the Code also restricts the police authorities not to detain any person without warrant beyond a period of 24 hours. This section provides that no police officer shall detain in custody a person arrested without warrant for a longer period than under all circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceeds twenty four hours exclusive of the time necessary for the journey from the place of arrest to the magistrate's court.

However, in appropriate cases, if the detention of the arrested person is required for further investigation of any incident, then he can be taken into police custody that too only with the permission of the nearest judicial magistrate. Herein, it is seen that the role and duty of the court is pivotal. Whether an accused has been really produced within a period of 24 hours or not can only be brought into light if the

subordinate courts use to enquire individual cases. There are complaints that accused are produced even after a period of 24 hours. The clever arresting authorities use to show that arrest at a later hours so that the production of the arrested person before the magistrate concerned does not appear to had crossed 24 hours. It is the Judicial magistrates before whom such person are produced can only protect that right of such person with the assistance of the statutory provision mentioned in this provision.

VIII. FURNISHING COPIES FREE OF COST TO THE ACCUSED

In order to make justice delivery system easily accessible even to the accused, the legislature has incorporated an important provision viz. section 207 in the Code. This section provides that *In any case where the proceeding has been instituted on a police report, the magistrate shall without delay furnish to the accused, free of cost a copy of the (i) the police report, (ii) the first information report,* (iii) the statement recorded under sub-section (3) of Section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6) of section 173, (iv.) the confessions and

statements, if any, recorded under section 164 and (v) any other document or relevant extract thereof forwarded to the magistrate with the police report under sub-section (5) of Section 173.

The aforesaid law is intended to assist the accused person to prepare for his defence and to challenge the statements of the witnesses or other relevant document, if occasion arises during the trial. Many a times, while recording evidence in a case it appears that the defence objects on certain documents such as extract copies of the G.D.Entry, sketch map of the place of occurrence, seizure lists, injury reports etc. on the point that those documents were not furnished to the accused with the other documents. In such a situation, it becomes the benign duty of the court to see that the staff working in the copy branch furnishes the relevant documents to the accused as allowed by law. It is the duty of the court to see that the copies so furnished are legible. Besides, the court is required to see that for furnishing copies to an accused who is detained in custody no longer date is fixed. Remand of an accused for a long date like in any other case only for the purpose of furnishing copies will definitely violate the right to life of an accused.

IX. DISCHARGE OF ACCUSED DURING TRIAL

The Code provides cognizance of any offence by the magistrate in three way such as i. on the basis of the police report[5], ii. On the basis of complaint[6] and iii. On its own[7]**.** Similarly, the court of Session may take cognizance of the cases only after committal of the case[8]. The procedure of trying cases under warrant procedure[9] arising out of police report and on complaint are different. In case of trial of such cases on police report no evidence is required to be recorded before framing of charge. But, in case of such cases registered on a complaint, before framing of charge evidence is required to be recorded.

Section 245 (1) of the Code provides that if, upon taking all the evidence referred to in Section 244, the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which if unrebutted, would warrant his conviction, the Magistrate shall discharge him. It is the mandate of the law that if after taking the evidence before charge, strong materials inclined to conviction are not found, then the accused person facing trial must be discharged.

Otherwise, facing trial even after the fact that no strong materials were available would amount to violation of his human rights. Similarly, on considering the materials available on record and hearing the parties, if the court of session finds the charge against an accused is groundless, he may discharge the accused at that stage[10].

Section 245(2) of the Code brings another important torch for the court for protecting the rights and liberties of the accused. This section provides that even before recording the evidence before charge, the Magistrate is empowered to discharge the accused if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless. Thus, in both the situations, if the court of law considers those factors during trial, large numbers of people facing trial would get speedy justice and thus their human rights would be protected.

X. STOPPING FURTHER PROCEEDING AND DISCHARGE OR ACQUITTAL OF ACCUSED

All the cases that are pending before a court may not necessarily be of similar nature. All the cases may not be of similar importance. There nature, gravity, antecedents, procedure and punishment are also different. Considering the above aspects, the legislature has incorporated

Section 258 in the Code. This section provides that in any summons case[11] instituted otherwise than upon complaint, a Magistrate of the first class or, with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment. This section provides that where such stoppage of proceedings is made after the evidence of the principal witnesses are recorded, the court is to pronounce a judgment of acquittal. And if the closure is made without recording evidence of the prime witnesses the court shall release the accused, and such release shall have the effect of discharge.

Therefore, in a case tried under summons procedure, if the important witnesses do no turn up or there whereabouts could not be traced out in spite of best efforts or if the prime witnesses do not support the case as pleaded in the case, then naturally it would be futile to proceed with the case further. Where proceeding with the case would amount to abuse of the process of law and undue harassment to the accused, this section is applicable. In such situation, the magistrate is empowered to stop further proceeding of the case. If stoppage is made after the evidence is recorded, then the accused person facing trial would

get acquittal from the case and if the stoppage is made before recording evidence, then the accused would get discharge.

In the case of *Ramchandra Rao v. State of Karnataka*[12] the Hon'ble Supreme Court of India held that criminal courts should exercise their available powers such as those available under sections 309, 311 and 258 of the Code of Criminal Procedure. However, in the case of *Mangalprashad Jethalal Upadhaya v. Thakkar Ananji Ranchoddas*[13] the Hon'ble Gujrat High Court held that the power to stop the proceedings at any stage, must be exercised sparingly and only if exceptional circumstances appear. Thus, if the courts of law trying any summons case are sensitive to human rights, naturally they would apply the aforesaid provisions. And as a result of which, the litigants would see that the subordinate courts are also protecting human rights.

XI. RIGHT AGAINST DOUBLE JEOPARDY

The principle of law is that if a person is tried and convicted or acquitted by a competent court on a particular charge, then such person shall not be tried again for the same or similar charge in future. Section-300 (1) of the Code provides that a person who has once been tried by a

Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not liable to be tried again for the same offence. Nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of Section 221, or for which he might have been convicted under sub-section (2) thereof.

In order to bar the subsequent trial, the accused must establish that i. he has been tried by a competent court for the same offence or one for which he might have been charged or convicted at the trial on the same facts, ii. That he has been convicted or acquitted at the trial and iii. That such conviction or acquittal is in force. The benefit of this section is not available in a case where there was only one trial for several offences, of which conviction was made for some offences and acquittal was made for some offences[14]. This benefit is not applicable in case in which the accused was discharged during the trial. In the case of *E.K. Thankappan v. Union of India*[15] it was held that when the accused was discharged for want of sanction, second trial is permissible and the benefit of section 300(1) cannot be invoked by the accused. Similarly, if a matter is persuaded in *sarpanch or village panchayat* and some decision was given

therein, the decision of such *sarpanch or village panchayat* will not be a bar in the subsequent proceeding in as much as the said bodies are not authorities established by law to decide cases.

XII. FREE LEGAL AID IN SESSIONS COURT

India is committed for the welfare of the community as a whole. And therefore, in legal institutions also indigence or poverty should not be a hindrance for an accused from getting justice. Keeping into mind that aspect, in spite of the constitutional provisions, law has been made specifically in the Code itself. Section-304 (1) of the Code provides that in a trial before the Court of Session if the accused is not represented by a pleader and it appears to the Court that the accused has no sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State. Sub-section (3) of the Code further provides that the state Government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of sub-Sections (1) and (2) shall apply in relation to any class of trials before other Courts in the State as they apply in relation to trials before Courts of Session.

Therefore, it is clear that the benefit of free legal aid is not restricted to the trial in the court of sessions but it extends to all other courts. In our state, under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 every District and Sub-Division Court are having penal of lawyers to assist the parties either in instituting or in defending a case before any court in any discipline.

As per report[16] during the year 2012 the District Legal Services Authorities under the supervision of the State Legal Services Authority, Assam as many as 423 panel lawyers/legal aid counsels have been approved. And till December, 2012, in 226 cases free legal aid has been provided at the cost of the state.[17]

In the case of *Hiralal Gopilal Rathore v. State of M.P.*[18] the Hon'ble Madhya Pradesh High Court held that the obligation on the part of the presiding officer to inform the accused of his fundamental right of free legal assistance at state cost in case he is unable to engage the service of a lawyer on account of poverty or indigence is absolute and not conditioned upon the accused himself applying for such legal assistance. Similarly, in the case of *Khatri v. state of Bihar*[19] the Hon'ble Supreme Court of India held that the magistrate or sessions Judge must inform

the accused when he put in first appearance before the court that he is entitled to free legal aid, if is unable to engage a counsel to defend him. Therefore, from the background principle of the law laid down in this section as well from the direction of the Hon'ble Supreme Court it is clear that it is the solemn duty of the court to inform the accused about his/her right to free legal aid**.** It is not conditioned with any application of the defence.

XIII. POWER OF THE COURT TO EXAMINE ANY PERSON AS WITNESS OR TO RE-EXAMINE ANY WITNESS

The primary duty of the court is to deliver justice to the parties to a proceeding. Justice cannot be delivered unless the court is well acquainted with the facts involved in the case. To enable rendering justice, the court is required to know the true facts. And all these are possible only when the witnesses who are acquainted with the facts of the case state the same before the court. Court is a neutral person. Even if an incident occurred in front of the court, the presiding officer cannot be a witness. Sometimes, due to ignorance, some times due to political pressure, sometimes due to personal interest, the investigating officers of

the case do not examine material witnesses of a case or even if examined they are not cited as witness before the court.

Section- 311 of the Code provides that any Court may, at any stage of any enquiry, trial or other proceeding under this code, summon any person as witness, or examining any person in attendance, though not summoned as a witness, or recall and re-examine, any person already examined; and the court shall summon and examine or recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case. The object of this section is to do justice not only from the point of view of the accused and the prosecution but also from the point of view of an orderly society. It is done neither to fill up the gaps in the prosecution evidence nor to give it any unfair advantage against the accused. It is required to be done to arrive at a just decision of the issues before the court.

In the case of Manoj Jha v. State of Jharkhand[20] the Hon'ble Jharkhand High Court held that even after both the parties have closed their cases it is open to the magistrate to summon any person as a witness if his evidence appears to him to be essential to the just decision of the case.

In the case of Raj Deo Sharma v. State of Bihar[21] the Hon'ble Supreme Court of India held that once it is found that the evidence is essential for the just decision of the case the witness can be recalled at any time before pronouncement of the judgment, the time factor would not come in the way.

In the case of Rajendra Prashad v. Narcotic Cell, Delhi[22] the Hon'ble Supreme Court of India while dealing with the power to examine any witness stressed that the provision should not be invoked by the court to fill up the lacuna in the prosecution case. If the prosecution being obliged to prove the case beyond 'reasonable doubt' has failed to bring on record anything which might help the prosecution and go against the accused. It is not the duty of the court to make good omission of the prosecution. Unless the court is satisfied that in the interest of justice it is necessary to invoke the said extra ordinary power. By invoking the discretionary power as contemplated by the section, the court will be able to arrive at a just conclusion of the disputed fact in hand. As on 31-10-2013, only in 19 cases, few of the subordinate courts of Assam has applied this procedure.[23]

XIV. POWER OF THE COURT TO TAKE SPECIMEN SIGNATURE

Like the power as given in section 311 of the Code, the parliament has inserted Section 311-A in the Code which came into force on 23-06-2006.[24] This section is unique in nature empowering the court to take specimen signature of any person including an accused. The proviso to that section provides that no order for giving specimen signature shall be passed unless the person has at some time been arrested in connection with such investigation or proceeding.

During investigation the investigating officers may arrest several persons and may seize many articles or papers by preparing seizure lists. The signatures of such persons are also taken in appropriate places. In some cases, the signatures of such persons may be very much relevant in deciding the factum of the case. There may be occasions where the accused or his counsel may object certain document and signature and at the same time might not incline to give their specimen signatures. In such a situation, the court should not feel handicapped. Rather, by using this provision in appropriate case, the court can arrive at a just decision.

XV. DIET MONEY TO WITNESS

As stated in the forgoing chapters, the proceedings of a court comprises not only by the litigants but by the witnesses also. Specially, in the cases instituted on police report, the witnesses are cited by the police or other investigating agencies. In case of private complaint cases or regular civil suits, it is the party concerned who bears the expenditure of the witnesses. But, in cases coming through police reports it is the responsibility of the state to pay their required cost. Witnesses are the prime groups in deciding a case. On the basis of their statements the courts conclude the disputed facts before it. They are guests of the court. In order to pay respect to the witnesses Section 312 has been incorporated in the Code. This section provides that **'***Subject to any rules made by the State Government, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any inquiry, trial or other proceeding before such Court under this Code.*

In the case of *Swaran Singh v. State of Punjab*[25] the Hon'ble Supreme Court of India directed that proper diet money must be paid immediately to the witnesses after his examination is over and not only

when he is examined but for every adjourned hearing. Therefore, if the diet money is not paid to the witness who comes to assist the court at his cost, it would amount to violation of his human rights. Surprisingly, in our state due to paucity of fund or lack of sensitization or awareness, no diet money has been provided to the witnesses[26].

XVI. NO OATH SHALL BE ADMINISTERED WHILE RECORDING STATEMENTS UNDER SECTION 313 OF THE CODE

To enable an accused person facing trial to explain the circumstances that appears against him in evidence, section 313 of the Code cast a duty on the court to explain the same to the accused. This is intended so that the accused person understands the accusations against him by the witness or witnesses and thereupon he may prepare his defence. If a particular point which incriminates the accused by the witness or witnesses is not explained to the accused, that part cannot be used against such accused during judgement. In no circumstances oath shall be administered to the accused while recording his statement under this section in as much as he is not deposing as a witness, rather, giving the explanation on the incriminatory materials brought against him through the prosecution in evidence. In the case of *State of Meghalaya v.*

John Francis Manliana[27], the Hon'ble Gauhati High Court held that when no question was put to the accused to enable him to answer as regards the report submitted by the Forensic Science Laboratory it had to be excluded from consideration.

While recording the statements of an accused he may admit the incriminatory statements appearing against him or he may deny the same. If he admits the circumstances incriminating him, in view of sub-section 4 of section 313 such admission may be used against him in the inquiry or trial commenced. Even, in other proceeding also such admission can be referred to. Therefore, it is the duty of the court to see that no oath is administered while recording the explanation of an accused under this provision. Further, section 313(3) prohibits the court to take any action if the accused refuses to answer any question or gives false answer on a question put by a court.

XVII. ACCUSED BE A COMPETENT WITNESS

Section-315(1) of the Code provides that any person accused of an offence before a Criminal Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made

against him or any person charged together with him at the same trial. However, he shall not be called as a witness except on his own request in writing before the court. Criminal justice is fair to the defence so much so that even an accused can testify before the court to stand his defence. Of course, considering the fact that while adducing evidence, he may incriminate him, the legislature make it a condition precedent that he should not be allowed to adduce evidence unless he express his intention in writing before the court that is by way of filing an application.

Section 315 (1) (a) further provides that if an accused fails to give evidence, he shall not be made the subject of any comment by any of the parties or by the Court. Such failure cannot give rise to any presumption against himself or any person charged together with him at the same trial. In our adversarial criminal justice system, all efforts have been made and all rights have been guaranteed to an accused so that he would not feel that injustice has been caused to him. In one hand, he has been given opportunity to adduce evidence on his own to defend the accusations. On the other hand, even after offering to adduce evidence if he does not adduce so, no inference can be drawn against him nor any comment. In the case of *Kashiram v. State of M.P.*[28] the Madhya Pradesh

High Court held that the court cannot draw any adverse inference from his non-examination as a witness.

XVIII. NO INFLUENCE OR INDUCEMENT TO AN ACCUSED

Section 316 of the Code further restricts the court to procure any material from an accused by means of influence or promise or threat or of like manner. The court being a neutral person should decide the points before it and to pass judgment in accordance with law. For extracting anything which may help the court in arriving at a decision, the court can invoke the powers as provided in the code such as section 311 of the Code of Criminal Procedure. But, in extracting the truth etc. the court cannot indulge any sort of influence whatsoever to an accused. This section provides that except as provided in Sections 306 and 307[28-a], no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

If the section is explained critically and minutely, it also includes that not only the presiding officer of the court, but also any staff of the court who is attached to the presiding officer cannot do such act with an

accused facing trial. It is seen that a bench assistant, court person, police guard remains present in the court to assist the trial. The staffs of the courts are having easy access with the presiding officer. They use to discuss on the matters in hand. Therefore, even if any influence is induced by any staff of the court, that will be viewed by the accused as ahs been done by the presiding officer itself. As such, the court must be more and more vigilant in this regard so as to avoid any influence or like incidents with any accused.

XIX. COMPOUNDING OF OFFENCE

Considering the nature and gravity of certain offences the legislature has incorporated Section-320 in the Code so that certain offences may be compounded by the victim. Compounding of offences can be made at any time after submission of the charge-sheet by the police authorities. Compounding of offences signifies that the parties have settled the matter amicably and the victim has received some gratifications or consolence, may not necessarily be pecuniary. Section 320 (1) of the Code provides certain offences[29] by the party shown in the third column that is the victim. In respect of those offences the permission of the court is not necessary. But, so far as the offences

mentioned in table 2 in view of section 320(2) before compounding the offences[30], permission of the court is necessary. The composition contemplated in this section is a unilateral act. The court cannot insist on a joint application by the parties.

A leading question arises as to whether an oral compromise can be acted upon or the parties are bound to submit a written application narrating the compromise?. In such a juncture, the Hon'ble Allahbad High Court in the case of *Naresh Chandra Jauhari v. State of U.P.*[31] held that composing is an arrangement whereby there is settlement of the differences between the injured party and the person against whom the complaint is made. It is not necessary that the composing should be in writing. It may be oral also. If both the parties agree that three has been a compromise, then the court has to dispose of the case in terms of that compromise and the petitioner is to be acquitted. If on the other hand, parties differ, then the court has to call upon them to lead evidence and then record a finding on such evidence whether the allegations reaching the compromise are true or not.

In the case of *Public Prosecutor A.P.High Court v. Banda Gopal Reddy*[32] the Hon'ble Andhra Pradesh High Court held that where vital

public or state interest is involved, though not mandatory under the section but it would be proper to issue notice to the public prosecutor before recording composing of offences.

XX. TRIAL IN CAMERA

Section 327 (1) of the Code provides that the place in which any Criminal Court is held for the purpose of enquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them. It provides that the court must be easily accessible to the litigants and pleaders. It has a great impact in the society. The open court procedural trial, passing of orders and passing of judgments have bearing in the behaviour of the society. However, in appropriate cases, the presiding Judge or Magistrate may, of he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

But sub-section (2) of section 327 of the Code cast a duty on the court that while conducting enquiry into and trial of rape or an offence under Section 376, Section 376–A, Section 376-B, Section 376–C or

Section 376- D of the Indian Penal Code (45 of 1860) shall be conducted in camera. Trial in camera means trial in the official chamber of the presiding officer so that the dignity and status of the victim is protected. Rape or other sexual abuses outrages the modesty of a woman. It violates the chastity of a woman. The lady is already a victim in the hand of culprits. And, if the circumstances which occurred with her are again forecast in the open court, then it would amount to further violation of her right to privacy. Therefore, the court must look into those aspects seriously. Keeping the above, a proviso has been inserted with section 327(2) of the Code coming into force on 31-12-2009[33] which provides that in camera trial shall be conduced so far as possible by a woman judge or magistrate.

Sub-section (3) of section 327 provides that where any proceedings are held under Sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings, except with the previous permission of the Court. Therefore, it has become the duty of the court to see that the proceedings which were conducted in camera are not published either in the print media or in the electronic media or in any other form. Violation of the provision can be checked by

the court by taking cognizance of the offence as empowered by Section 190(c)[34] of the code.

XXI. POSTPONEMENT OF ENQUIRY IF ACCUSED IS OF UNSOUND MIND

If an accused who was a lunatic at the time of the commission of the offence takes the plea during trial or enquiry, then it is the duty of the court to enquire into the fact of his unsoundness of mind. In reaching to a conclusion he may refer the accused to a surgeon or head of psychiatry unit. And, if on receipt of such report from the surgeon or psychiatric it is found that due to such unsoundness of mind he is unable to render defence then the magistrate may record the evidence and if he finds that no prima face case is made out against the accused, he will discharge the accused.

But, if after recording the evidence it is found that a prima facie case is made out, then without discharging him, the magistrate shall postpone the proceeding for such period as the psychiatric may suggest.

Section- 330 (1) of he Code provides that whenever a person is found, under Section 328 or Section 329, to be of unsound mind and

incapable of making his defence, the Magistrate or Court, as the case may be, whether the case is one in which bail may be taken or not, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf. Sub section 2 provides that if the case is one in which, in the opinion of the Magistrate or Court, bail should not be taken or, if sufficient security is not given, the Magistrate or Court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the State Government. However, no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the State Government may have made under the Indian Lunacy Act, 1912 (4 of 1912).

Thus, from the above provision it is seen that a person who is not mentally fit should not be tried in the court like other accused. In the event of such plea, the court is to refer the accused to the concerned medical department. And if it is found that the accused is really suffering

from unsoundness of mind, then he shall postpone the trial until he becomes capable of understanding the proceedings. All these are intended to establish the fact that fair justice is not denied to any person. This is an important phenomenon of the modern human right.

XXII. COMPENSATION TO VICTIM WHEN ACCUSED IS CONVICTED

Normally the term compensation comes into play in civil proceedings for the wrong or damage caused to a defendant. But, in our system, in criminal cases also provision for providing compensation to the wronged is available**.** Section 357 of the Code is unique in character. This section provides for compensation to the victims of offences and the same are payable from the fine that are imposed by the trial court. Section 357 (1) (b) provides that when a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied in the payment to any person of compensation for any loss or injury caused by the defence, when compensation is, in the opinion of the Court, recoverable by such person in a Civil Court.

Sub-section (3) of Section 357 of the Code provides that w*hen a Court imposes a sentence, of which fine does not form a part, the Court may, when passing judgment, order the accused person to pay, by way of compensation, such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced. In the case of Sube Singh v. State of Haryana*[35] *the Hon'ble Supreme Court of India held that award lf such compensation (by way of public law remedy) will not come in the way of the aggrieved person claiming additional compensation in a civil court, in enforcement of private law remedy in tort, nor come in the way of the criminal court ordering compensation under section 357 of the Code of Criminal Procedure.*

While section 357 (1) of the Code empowers the court to pay compensation to the victims for the loss or injuries sustained by them for the wrong of the wrongdoers from the fines that are imposed and realized, sub-section (3) is independent of the fine on the wrongdoer. This section provides that when fine does not form part of the sentence, the court may taking into consideration the loss or injury sustained by the victim. This section is very much important for the trial court. If the

power and mandate of law is taken into consideration by the courts, then at least in genuine and appropriate cases, many victims would get the chance of reparation in as much as sentencing a convict to jail does not benefit the victim directly as he would be benefitted from the compensation. As on 31-10-2013, in 29 cases compensation has been paid to the victims by applying this provision.[35.a]

> *Citing an example would highlight the situation. 'M' a sound person committed murder to 'D' a poor fellow who was having three minor children. Subsequently, if at all 'M" is convicted by the court of law even for the life sentence, then what the victims' family is getting. Definitely the victims' family is not getting anything from the punishment of "M". If in such a situation, apart from sentencing the 'D' a reasonable amount is directed to be paid to the minor female children, then naturally they would be able to survive. There would be occasions more or less of similar nature. And, in such a situation, the courts of law make provisions for compensation to the victims family then it would protect human rights of the people coming in the court directly or indirectly.*

XXIII. COMPENSATION TO VICTIM GENERALLY

A unique provision has been inserted in the Code to provide compensation to the victims who suffered loss or injuries and requires rehabilitation. Section 357-A of the Code is inserted by the Criminal Law Amendment Act, 2008 and came into force with effect from 31-12-2009. This section provides that when the accused is acquitted or discharged or the accused could not be identified but the victim is identified, and the victim requires rehabilitation, then such court may make a recommendation to the District Legal Services Authority for providing compensation to the victim.

Sub-section 2 of this section provides that the state government in consultation with the Central Government shall prepare a scheme in this regard. India is a social welfare state. To develop the wellbeing of the people living in it is the motto of the state. Definitely the provision as enumerated in the above section is a glaring example in the legal history of India that even if the accused is not identified or acquitted in a case, but the victim sustained loss or injury, such victim should be compensated so that the victim can lead a dignified life. As on 31-10-

2013, in 17 cases compensation has been paid to the victims by applying this provision.[36]

As for instance, if a poor fellow who was dependent on his only pair of cow is stolen by thieves but the culprits were not detected during investigation, then what would be the future of the poor fellow? If the only bread earning son of a blind old aged fellow is assaulted by unknown culprits causing fracture of his legs making him unable to lead the normal life, then what would be the position of the family consisting of blind and handicapped. In the above two cases, although the culprits are not identified, yet, the victim is identified. Therefore, the court if familiars to human rights as embodied by the newly added section of the Code, then naturally, few families of such circumstances would be able to remain in the world without further distress and humiliation.

XXIV. INTERIM COMPENSATION TO VICTIM

While section 357-A provides for compensation to victims after conclusion of the trial, section 357-A(6) provides for the provision of compensation during pendency of the trial. Section 357-A(6) of the Code provides for making interim compensation to the victim depending upon

the facts and circumstances of a case. This section provides that the state or District Legal Services Authority, as the case may be, may order for immediate first aid facility or medical benefits to be made available free of cost to the victim. Before making such an order a certificate issued by the police officer not below the rank of Officer-in-Charge of a police station or a magistrate of the area is necessary.

Thus, even if the case is in its investigation stage or after investigation in the stage of trial in the court of law, and it appears to the court that the victim of the offence need immediate assistance of medical help or other benefits for survival then on receipt of such requirement from the concerned police or the court as the case may be, an order for providing interim relief befitting the situation can be passed. In applying the above provisions in appropriate cases, definitely, human rights of the victims could be protected by the subordinate courts.

XXV. COMPENSATION FOR CAUSING ARREST ON INSUFFICIENT GROUND

While the previous sections deal as to in what circumstances the court can grant compensation to a victim, Section- 358 (1) of the Code provides that whenever any person causes a Police Officer to arrest

another person and if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding one thousand rupees, to be paid by the person so causing the arrest to the person so arrested. This amount of compensation may be granted by the magistrate keeping in mind the loss or injuries sustained by the arrestee for the arrest caused without sufficient ground. Sub-section 2 of the Code provides that if more persons than one are arrested at the behest of such person without genuine accusations, the Magistrate may, in like manner, award to each of them such compensation, not exceeding one thousand rupees, as such Magistrate thinks fit. There are instances, when police officer apprehends a person on the accusations lodged against him even though the accusations were not genuine. Therefore, as soon as the fact is detected to the effect that the person was arrested without sufficient reason, then the court is empowered to direct compensation to those victims to be paid by the person who caused the arrest. In spite of the above provisions, a prudent man puts question, whether such a great loss of reputation and dignity can be compensated by a sum of rupees 1000/-only. Definitely, the answer is not. By prescribing the limit of compensation to a sum of rupees 1,000/- only, the legislature tightened

the hand of the magistrates. Had the upper limit been fixed to a higher amount, then of course in appropriate cases appropriate compensation could have been awarded.

XVI. RELEASE OF CONVICT ON PROBATION

One of the intentions of criminal justice system is reformation of offenders. It is not a fact that all criminals are born criminals or habitual criminals. A person may commit an offence under provocation. Another person may commit an offence due to poverty. Therefore, all persons accused of committing an offence cannot be set on the same footing and thus need not to be send to imprisonment in the jail. Rather, if they are set free they would be subject to reform. Considering the above, the legislature has incorporated Section 360 in the Code, which is a beneficial section. Section 360 (1) of the Code provides that when any person i. not under twenty-one years of age is convicted of an offence punishable with fine only or ii. with imprisonment for a term of seven years or less, or iii. when any person under twenty-one years of age or iv. any woman is convicted of an offence not punishable with death or v. imprisonment for life, and no previous conviction is proved against the

offender he or she may be released on probation. To invoke the provision the court of law should consider the guidelines given in the section itself.

If it appears to the Court before which the person is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment direct that he be released on probation. In doing so the court may require that the convict be so released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not exceeding three years as the court may direct and in the meantime to keep the peace and be of good behavior. While releasing the convict, he or she may be placed under the supervision of a probation officer so that the convict would be under vigilance and resultantly, he or she will not tend to commit any other offence in future.

In the case of *Md. Sayd Ali v. State of Assam*[37] the Hon'ble Gauhati High Court held that the section cast a duty on the court to give benefit of probation whenever possible to do so and to record special reason if it

does not do so. Thus, the word 'shall' appearing in the section and the ruling of the Hon'ble Gauhati High Court make it clear that if the above elements are attracted in respect of a convict, then it is the incumbent duty of the court to release him on probation. And, if in any case, the court does not release the convict on probation, then the court must give reason thereof. Needless to mention that 'reason' must be justifiable and not whimsical.

The power under this section cannot be exercised by a judicial magistrate second class. The proviso to this section provides that where any first offender is convicted by a Magistrate of the second class not specially empowered by the High Court, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class. On such submission, such Magistrate may pass such sentence or make such order as he might have passed or made if the case and originally been heard by him. Further, if the magistrate before whom such matter is referred then he may make further inquiry or take such evidence on any point to be necessary.

XVII. RELEASE OF CONVICT ON DUE ADMONITION

Apart from releasing a convict on probation, the Code of Criminal Procedure lays down other way to release certain convicts. Section 360 (3) of the Code is another beneficial piece of criminal procedure which empowers the court to release the offender on due admonition instead of sentencing him to imprisonment or fine. This section provides that in any case in which a person is convicted of theft[38], theft in a building, dishonest misappropriation[39], cheating[40] or any offence under the Indian Penal Code (45 of 1860) punishable with not more than two years imprisonment[41]or any offence punishable with fine only[42] and no previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

The power under this section is to be used sparingly considering the facts and circumstances of each case. It shall not be made as a general rule in all the cases of conviction. While applying the provision

the court is to consider the factors such as the age of the convict, character and antecedents of the convict, physical or mental condition of the convict. There may be occasion that a boy of 19 years may commit simple hurt to his classmate. If at all his act is proved then he can be sent to imprisonment for a period of three months. However, he has repented for his act. The court finds no bad antecedents of the boy. If in such a condition, he is sent to jail or even penalized by way of fine then it may hamper his academic career. Perhaps it would be a fit case in which this section can be applied. It is worthy to note herein that application of this benefit to a convict is the discretion of the court. It cannot be claimed as a matter of right.

Section 360(4) of the Code further provides that an order under this section pertaining to release of convict on admonition may be made by any Appellate Court or by the High Court or Court of Sessions when exercising its powers of revision. Therefore, the opportunity of being released on due admonition is not restricted to the trial court alone but it can be exercised by the appellate court including the High Court. By invoking the power as provided in this section, human rights of the

convicts can be protected and resultantly, a better society can be expected.

R E F E R E N C E

1. As per reports collected through RTI thirteen women police officers are working in thirteen district in the state of Assam. For details plz. see the chart appended in Chapter headed PROBLEMS.

2. Section 2(a) of the Cr.P.C. Defines bailable offence as an offence which is shown as bailable in the first schedule or which is made bailable by any other law for the time being in force.

2.a. As per section 70 and 71 of the code a warrant may be non-bailable and bailable. If the same is bailable in the given form i.e. Form No. 2 of he Second Schedule of the Code, an endorsement must be made to that effect by the issuing court.

3. Section 50-A(3) an entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the state Government.

4. Reports have been sought for from the Director of Health Services, Assam to collect the figure but no such report has been furnished. During confidential enquiry, it has been revealed that no such medical reports have been furnished to the accused or his nominee.

5. Section 190(b) Cr.P.C.
6. Section 190 (a) Cr.P.C.
7. Section 190 (c) Cr.P.C.
8. Section 226 R/W. Section 209 Cr.P.C.
9. Section 2 (x) warrant case means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years.
10. Section 227 Cr.P.C.
11. Section 2(w) Cr.P.C. Defines summons case as a case relating to an offence and not being a warrant case. Taking section 2(x) above it means a case which is punishable with imprisonment not more that 2 years.
12. AIR 2002 SC 1856.

13. 1983 Crl.LJ 309 (Guj).

14. AIR 1957 SC 592.

15. 1989 Crl.LJ 2374 (Ker).

16. Latest Report was sought for from the ASLSA but no report has been furnished. However, the data as available in the Gauhati High Court Annual Report, 2012 page-142 is put on record.

17. Ibid page-143.

18. 1988 Cr.l. LJ 457 (M.P.).
19. AIR 1981 SC 928.
20. AIR 2003 Jhar 1025.

21. AIR 1999 SC 3524.
22. AIR 1999 SC 2292.
23. Report was sought for from the District Courts on this point. Only the Public Information Officer, Kamrup and Kokrajhar submitted the sought for report. Out of 6274 cases disposed off in the courts of kamrup Metro only in 1 case the provision is applied. In kokrjhar out of out of 1134 cases disposed off only in 18 cases the provision is applied. The Chief Judicial magistrate, Dibrugarh reported that no such register is maintained and as such the data could not be furnished. The Public Information Officers of Jorhat and Cachar did not furnish the report on unjustified grounds.

24. Inserted by Cr.P.C.(Amendment) Act, 2005 w.e.f. 23-06-2006.
25. AIR 2000 SC 2017
26. Report was sought for from the District Courts on this point. Only the Public Information Officer, Kamrup and Kokrajhar submitted the sought for report. Out of 6274 cases disposed off in the courts of kamrup Metro and in kokrjhar out of out of 1134 cases disposed off no diet money is paid to any witness. The Chief Judicial magistrate, Dibrugarh reported that no such register is maintained and as such the data could not be furnished. The Public Information Officers of Jorhat and Cachar did not furnish the report on unjustified grounds.

27. 1988 (2) Crimes 546 (Gau-DB).
28. AIR 2001 SC 2902.

28.a. Briefly speaking sections 306 and 307 Cr.P.C. empowers Chief Judicial Magistrate or a Metropolitan Magistrate and a court of sessions to tender of pardon to an accomplice.

29. Sections 298, 323, 334, 335, 341,342, 343, 344, 346, 352, 355, 358, 379, 403, 507, 411, 414, 417, 419, 421, 422, 423, 424, 426, 427, 428, 429, 430, 447, 448, 451, 482, 483, 486, 491, 497, 498, 500, 501, 502, 504, 506, 508 of the Indian Panel Code.

30. Sections 312, 325, 337, 338, 357, 381, 406, 408, 418, 420, 494, 500, 509 of the Indian Panel Code.
31. 1988 (1) crimes 567, 571 (All).
32. 2005 Crl.LJ 584 AP.
33. Proviso inserted by the Code of Criminal Procedure (amendment) Act, 2008 w.e.f. 31-12-2009.
34. 190(c) of the Code empowers the magistrates to take cognizance of an offence upon information received from any person other than a police officer or upon his own knowledge that such offence has been committed.

35. AIR 2006 SC 117.

35.a. Report was sought for from the District Courts on this point. Out of 6274 cases disposed off in the courts of kamrup Metro no such compensation has been paid to the victim. In kokrjhar out of out of 1134 cases disposed off in 29 cases compensation is paid to the victim. The Chief Judicial magistrate, Dibrugarh reported that no such register is maintained and as such the data could not be furnished. The Public Information Officers of Jorhat and Cachar did not furnish the report on unjustified grounds.

36. Report was sought for from the District Courts on this point. Out of 6274 cases disposed off in the magistrate courts of Kamrup Metro no such compensation has been paid to the

victim. However, in 7 cases compensation has been paid by the ld. District & Sessions Judge, Kamrup by applying this provision. In kokrjhar out of out of 1134 cases disposed off in no case compensation is paid to the victim. In 10 cases compensation has been paid in Dibrugarh District by applying this provision. The Public Information Officers of Jorhat and Cachar did not furnish the report on unjustified grounds.

37. 1989 Crl. LJ 2063(Gau).

38. Sections 379, 380 of the Indian Panel Code
39. Section 403 of the Indian Panel Code.
40. Section 417 of the Indian Panel Code.

41. Sections 135, 136, 138, 140, 143, 144, 145, 147, 151, 153, 153-AA, 157, 160, 163, 166, 168, 169, 170, 171, 171-F, 172, 173, 174, 175, 176 to 185, 187, 188, 189, 190, 202, 203, 204, 206 to 210, 217, 218, 223, 224, 225, 225B, 228, 229, 241, 262, 264 to 277, 279, 280, 285 to 288, 294-A, 295, 296, 297, 304-A, 318, 334, 336 to 343, 353, 374, 385, 403, 421, 423, 424, 427, 447, 448, 451, 453, 461, 465, 482, 483, 489, 491,498, 500 to 504,506 to 510.

42. Sections 137, 154, 155, 156, 171-H, 171-I, 263-A, 278, 283, 290, 489-E of the Indian Panel Code.

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