

# Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 repeals Code of Criminal Procedure (CrPC), 1973

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## Summarizing Significant Changes in the CrPC alongside corresponding BNSS provisions

Title	Code of Criminal Procedure(CrPC), 1973	Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023
<p><b>Court of Session</b></p>	<p><b>Section 9</b>                      (1)The State Government shall establish a Court of Session for every sessions division.                      (2) Every Court of Session shall be presided over by a Judge, to be appointed by the High Court.                      (3) The High Court may also appoint Additional Sessions Judges and Assistant Session Judges to exercise jurisdiction in a Court of Session.                      (4) The Sessions Judge of one sessions division may be appointed by the High Court to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in the other division as the High Court may direct.                      (5) Where the office of the Sessions Judge is vacant, the High Court may make arrangements for the disposal of any urgent application which is, or may be, made or pending before such Court of Session by an Additional or Assistant Sessions Judge, or, if there be no Additional or Assistant Sessions Judge, by a Chief Judicial Magistrate, in the sessions division; and every such Judge or Magistrate shall have jurisdiction to deal with any such application.                      (6) The Court of Session shall ordinarily hold its sitting at such place or places as the High Court may, by notification, specify; but, if, in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sittings at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein.                      Explanation—For the purposes of this Code, “appointment” does not include the first appointment, posting or promotion of a person by the Government to any Service, or post in connection with the affairs of the Union or of a State, where under any law, such appointment, posting or promotion is required to be made by Government.</p>	<p><b>Section 8</b>                      (1)...                      (2)...                      (3)...                      (4)...                      (5)...                      (6)...                      (7) <b>The Sessions Judge may, from time to time, make orders consistent with this Sanhita, as to the distribution of business among such Additional Sessions Judges.</b>                      (8) <b>The Sessions Judge may also make provision for the disposal of any urgent application, in the event of his absence or inability to act, by an Additional Sessions Judge or if there be no Additional Sessions Judge, by the Chief Judicial Magistrate, and such Judge or Magistrate shall be deemed to have jurisdiction to deal with any such application.</b>                      Explanation ...</p>
<p><b>Control room at districts</b></p>	<p><b>Section 41C</b>                      (1) The State Government shall establish a police control room— (a) in every district; and (b) at State level.                      (2) The State Government shall cause to be displayed on the</p>	<p><b>Section 37 Designated police officer</b>  <b>The State Government shall— (a) establish a police control room in every district and at State level; (b) designate</b></p>



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	<p>notice board kept outside the control rooms at every district, the names and addresses of the persons arrested and the name and designation of the police officers who made the arrests.</p> <p>(3) The control room at the Police Headquarters at the State level shall collect from time to time, details about the persons arrested, nature of the offence with which they are charged and maintain a database for the information of the general public.</p>	<p>a police officer in every district and in every police station, not below the rank of Assistant Sub-Inspector of Police who shall be responsible for maintaining the information about the names and addresses of the persons arrested, nature of the offence with which charged, which shall be prominently displayed in any manner including in digital mode in every police station and at the district headquarters.</p>
<p><b>Arrest how made</b></p>	<p><b>Section 46</b></p> <p>(1) 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.</p> <p>Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.</p> <p>(2) 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.</p> <p>(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.</p> <p>(4) Save in exceptional circumstances, no women shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman 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.</p>	<p><b>Section 43</b></p> <p>(1)...</p> <p><b>Provided...</b></p> <p>(2) ...</p> <p>(3) <b>The police officer may, keeping in view the nature and gravity of the offence, use handcuff while making the arrest of a person or while producing such person before the court who is a habitual or repeat offender, or who escaped from custody, or who has committed offence of organised crime, terrorist act, drug related crime, or illegal possession of arms and ammunition, murder, rape, acid attack, counterfeiting of coins and currency-notes, human trafficking, sexual offence against children, or offence against the State.</b></p> <p>(4) <b>Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.</b></p> <p>(5) <b>Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.</b></p>



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Form of summons	<p><b>Section 61</b> Every summons issued by a Court under this Code shall be in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court.</p>	<p><b>Section 63</b> <b>(i) in writing....</b> <b>(ii) in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court or digital signature.</b></p>
Service of summons on corporate bodies and societies	<p><b>Section 63</b> Service of a summons on a corporation may be effected by serving it on the secretary, local manager or other principal officer of the corporation, or by letter sent by registered post, addressed to the chief officer of the corporation in India, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post. Explanation.—In this section, "corporation" means an incorporated company or other body corporate and includes a society registered under the Societies Registration Act, 1860 (21 of 1860).</p>	<p><b>Section 65</b> <b>(1) Service of a summons on a company or corporation may be effected by serving it on the Director, Manager, Secretary or other officer of the company or corporation, or by letter sent by registered post addressed to the Director, Manager, Secretary or other officer of the company or corporation in India, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.</b> <b>Explanation.—In this section, "company" means a body corporate and "corporation" means an incorporated company or other body corporate registered under the Companies Act, 2013 or a society registered under the Societies Registration Act, 1860.</b> <b>(2) Service of a summons on a firm or other association of individuals may be effected by serving it on any partner of such firm or association, or by letter sent by registered post addressed to such partner, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.</b></p>
Procedure on arrest of person against whom warrant issued	<p><b>Section 80</b> When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within thirty kilometres of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 71, be taken before such Magistrate or District Superintendent or Commissioner</p>	<p><b>Section 82</b> <b>(1) ... security is taken under section 73...</b> <b>(2) On the arrest of any person referred to in sub-section (1), the police officer shall forthwith give the information regarding such arrest and the place where the arrested person is being held to the designated police officer in the district and to such officer of another district where the arrested person normally resides.</b></p>



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<p><b>Police officer's power to investigate cognizable case</b></p>	<p><b>Section 156</b>                      (1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.                      (2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.                      (3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.</p>	<p><b>Section 175</b>                      (1)...  <b>Provided that considering the nature and gravity of the offence, the Superintendent of Police may require the Deputy Superintendent of Police to investigate the case.</b>                      (2)...                      (3)...  <b>(4) Any Magistrate empowered under section 210, may, upon receiving a complaint against a public servant arising in course of the discharge of his official duties, order investigation, subject to— (a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and (b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.</b></p>
<p><b>Procedure for investigation</b></p>	<p><b>Section 157</b>                      (1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender: Provided that— (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot; (b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.</p>	<p><b>Section 176</b>                      (1)....  <b>Provided that ...</b>  <b>Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality and such statement may also be recorded through any audio-video electronic means including mobile phone.</b>                      (2)In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements of that subsection, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government.</p>



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	<p>Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.</p> <p>(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements of that subsection, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, <b>the fact that he will not investigate the case or cause it to be investigated.</b></p>	<p><b>(3) On receipt of every information relating to the commission of an offence which is made punishable for seven years or more, the officer in charge of a police station shall, from such date, as may be notified within a period of five years by the State Government in this regard, cause the forensic expert to visit the crime scene to collect forensic evidence in the offence and also cause videography of the process on mobile phone or any other electronic device: Provided that where forensic facility is not available in respect of any such offence, the State Government shall, until the facility in respect of that matter is developed or made in the State, notify the utilisation of such facility of any other State.</b></p>
<p><b>Examination of complainant</b></p>	<p><b>Section 200</b> A Magistrate taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:</p> <p>Provided that, when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses—</p> <p>(a) if a public servant acting or purporting to act in the discharge of his official duties or a Court has made the complaint; or</p> <p>(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 192:</p> <p>Provided further that if the Magistrate makes over the case to another Magistrate under section 192 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.</p>	<p><b>Section 223</b> <b>(1) A Magistrate having jurisdiction while taking cognizance of an offence...:</b></p> <p><b>Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:</b></p> <p><b>Provided further that when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses-</b></p> <p><b>(a) if a public servant acting or purporting to act in the discharge of his official duties or a Court has made the complaint; or</b></p> <p><b>(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 212:</b></p>





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		<p>Provided also that if the Magistrate makes over the case to another Magistrate under section 212 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.</p> <p>(2) A Magistrate shall not take cognizance on a complaint against a public servant for any offence alleged to have been committed in course of the discharge of his official functions or duties unless--</p> <p>(a) such public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged; and</p> <p>(b) a report containing facts and circumstances of the incident from the officer superior to such public servant is received.</p>
<p><b>Commitment of case to Court of Session when offence is triable exclusively by it</b></p>	<p><b>Section 209</b> When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall-</p> <p>(a) commit, after complying with the provisions of section 207 or section 208, as the case may be, the case to the Court of Session, and subject to the provisions of this Code relating to bail, remand the accused to custody until such commitment has been made;</p>	<p><b>Section 232</b> <b>When in a case....</b></p> <p>(a) commit, after complying with the provisions of <b>Section 230 or Section 231</b> the case to the Court of Session, and subject to the provisions of this Sanhita relating to bail, remand the accused to custody until such commitment has been made</p> <p>(b) ...</p> <p>(c) ...</p> <p>(d) ...</p>



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	<p>(b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;</p> <p>(c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;</p> <p>(d) notify the Public Prosecutor of the commitment of the case to the Court of Session.</p>	<p><b>Provided that the proceedings under this section shall be completed within a period of ninety days from the date of taking cognizance, and such period may be extended by the Magistrate for a period not exceeding one hundred and eighty days for the reasons to be recorded in writing</b></p> <p><b>Provided further that any application filed before the Magistrate by the accused or the victim or any person authorised by such person in a case triable by Court of Session, shall be forwarded to the Court of Session with the committal of the case.</b></p>
Evidence for prosecution	<p><b>Section 231</b></p> <p>(1) On the date so fixed, the Judge shall proceed to take all such evidence as may be produced in support of the prosecution.</p> <p>(2) The Judge may, in his discretion, permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.</p>	<p><b>Section 254</b></p> <p>(1)...</p> <p><b>Provided that evidence of a witness under this sub-section may be recorded by audio-video electronic means.</b></p> <p><b>(2) The deposition of evidence of any public servant may be taken through audio-video electronic means.</b></p> <p><b>(3) The Judge may, in his discretion, permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.</b></p>
Judgment of acquittal or conviction	<p><b>Section 235</b></p> <p>(1) After hearing arguments and points of law (if any), the Judge shall give a judgment in the case.</p> <p>(2) If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of Section 360 hear the accused on the question of sentence, and then pass sentence on him according to law.</p>	<p><b>Section 258</b></p> <p>(1) ...<b>judgment in the case, as soon as possible, within a period of thirty days from the date of completion of arguments, which may be extended to a period of forty-five days for reasons to be recorded in writing.</b></p> <p>(2) If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of <b>Section 401</b>, hear the accused on the questions of sentence, and then pass sentence on him according to law.</p>



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Title	Code of Criminal Procedure(CrPC), 1973	Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023
Judgment	<p><b>Section 353</b></p> <p>(1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the presiding officer immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders,—</p> <p>(a) by delivering the whole of the judgment; or</p> <p>(b) by reading out the whole of the judgment: or</p> <p>(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his pleader.</p> <p>(2) Where the judgment is delivered under clause (a) of sub-section (1), the presiding officer shall cause it to be taken down in short-hand, sign the transcript and every page thereof as soon as it is made ready, and write on it the date of the delivery of the judgment in open Court.</p> <p>(3) Where the judgment or the operative part thereof is read out under clause (b) or clause (c) of sub-section (1), as the case may be, it shall be dated and signed by the presiding officer in open Court and if it is not written with his own hand, every page of the judgment shall be signed by him.</p> <p>(4) Where the judgment is pronounced in the manner specified in clause (c) of sub-section (1), the whole judgment or a copy thereof shall be immediately made available for the perusal of the parties or their pleaders free of cost.</p> <p>(5) If the accused is in custody, he shall be brought up to hear the judgment pronounced.</p>	<p><b>Section 392</b></p> <p>(1)...</p> <p>(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his advocate.</p> <p>(2)...</p> <p>(3)...</p> <p>(4)...</p> <p><b>Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period of seven days from the date of judgment.</b></p> <p>(5) ... pronounced <b>either in person or through audio-video electronic means...</b></p> <p>(6) <b>If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted</b></p> <p><b>Provided that where there are more accused persons than one, and one or more of them do not attend the Court on the date on which the judgment is to be pronounced, the presiding officer may, in order to avoid undue delay in the disposal of the case, pronounce the judgment notwithstanding their absence.</b></p> <p>(7) ...</p> <p>(8) <b>Nothing in this section shall be construed to limit in any way the extent of the provisions of Section 511.</b></p>





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	<p>(6) If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted:</p> <p>Provided that, where there are more accused than one, and one or more of them do not attend the Court on the date on which the judgment is to be pronounced, the presiding officer may, in order to avoid undue delay in the disposal of the case, pronounce the judgment notwithstanding their absence.</p> <p>(7) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.</p> <p>(8) Nothing in this section shall be construed to limit in any way the extent of the provisions of Section 465.</p>	<p>Section 392</p> <p>(1)...</p> <p>(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his advocate.</p> <p>(2)...</p> <p>(3)...</p> <p>(4)...</p> <p><b>Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period of seven days from the date of judgment.</b></p> <p>(5) ... pronounced <b>either in person or through audio-video electronic means...</b></p> <p>(6) If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted</p> <p>Provided that where there are more accused persons than one, and one or more of them do not attend the Court on the date on which the judgment is to be pronounced, the presiding officer may, in order to avoid undue delay in the disposal of the case, pronounce the judgment notwithstanding their absence.</p> <p>(7) ...</p> <p>(8) Nothing in this section shall be construed to limit in any way the extent of the provisions of <b>Section 511</b>.</p>



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<p><b>Power to commute sentence</b></p>	<p><b>Section 433</b> The appropriate Government may, without the consent of the person sentenced commute—</p> <p>(a) a sentence of death, for any other punishment provided by the Indian Penal Code (45 of 1860);</p> <p>(b) a sentence of imprisonment for life, for imprisonment for a term not exceeding fourteen years or for fine;</p> <p>(c) a sentence of rigorous imprisonment for simple imprisonment for any term to which that person might have been sentenced, or for fine;</p> <p>(d) a sentence of simple imprisonment, for fine.</p>	<p><b>Section 474</b> The appropriate Government may, without the consent of the person sentenced, commute—</p> <p>(a) a sentence of death, <b>for imprisonment for life</b></p> <p>(b) a sentence of imprisonment for life, for imprisonment for a term <b>not less than seven years</b>;</p> <p>(c) a sentence of imprisonment for seven years or more, for imprisonment for a term not less than three years;</p> <p>(d) a sentence of imprisonment for less than seven years, for fine;</p> <p>(e) a sentence of rigorous imprisonment, for simple imprisonment for any term to which that person might have been sentenced.</p>
<p><b>Maximum period for which an undertrial prisoner can be detained</b></p>	<p><b>Section 436A</b> Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:</p> <p>Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties</p>	<p><b>Section 479</b> (1) Where a person has, during the period of investigation, inquiry or trial under this <b>Sanhita</b> of an offence under any law (not being an offence for which the punishment of death <b>or life imprisonment</b> has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on <b>bail</b></p> <p><b>Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law</b></p>



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	<p>Provided further that no such person shall in any case be detained during the period of investigation inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.</p> <p>Explanation.--In computing the period of detention under this section for granting bail the period of detention passed due to delay in proceeding caused by the accused shall be excluded.</p>	<p>Provided further that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail bond <b>instead of his bond</b></p> <p>Provided also that no such person...</p> <p>Explanation—In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.</p> <p><b>(2) Notwithstanding anything in sub-section (1), and subject to the third proviso thereof, where an investigation, inquiry or trial in more than one offence or in multiple cases are pending against a person, he shall not be released on bail by the Court.</b></p> <p><b>(3) The Superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period mentioned in sub-section (1), as the case may be, shall forthwith make an application in writing to the Court to proceed under sub-section (1) for the release of such person on bail.</b></p>