

Preliminary on Criminal Procedure Code

Dr. G. G. Panchal, Associate Professor

Scheme of the Code

Chapters – 37

Sections – 484

Schedule – I: Classification of
Offences

Schedule - II: 56 Forms

Preliminary

Short title, extent and commencement.—(1) This Act may be called the Code of Criminal Procedure, 1973.

(2) It extends to the whole of India

Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof, shall not apply—

(a) to the State of Nagaland,

(b) to the tribal areas,

Definitions

1. Bailable Offence - means 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; and “non-bailable offence” means any other offence;

2. Charge - includes any head of charge when the charge contains more heads than one;

3. Cognizable Offence - means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;

Definitions

4. **Complaint** - means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.

Explanation.—A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant;

5. **Inquiry** - means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court;

Definitions

6. Investigation - includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf;

7. Judicial Proceeding - includes any proceeding in the course of which evidence is or may be legally taken on oath;

8. Local Jurisdiction - in relation to a Court or Magistrate, means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Code 1 [and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify];

Definitions

9. Non-cognizable Offence - means an offence for which, and “non-cognizable case” means a case in which, a police officer has no authority to arrest without warrant.

10. Officer in Charge of a Police Station - includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;

11. Police Report - means a report forwarded by a police officer to a Magistrate under sub-section (2) of section 173;

Definitions

12. Public Prosecutor - means any person appointed under section 24, and includes any person acting under the directions of a Public Prosecutor;

13. Summons-Case - means a case relating to an offence, and not being a warrant-case;

14. Warrant-Case - means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years;

Classification of Criminal Court

Besides the High Courts and the Courts constituted under any law, other than this Code, there shall be, in every State, the following classes of Criminal Courts:

1. Courts of Session;
2. Chief Judicial Magistrate
3. Judicial Magistrates of the first class and, in any Metropolitan area, Metropolitan Magistrates;
4. Judicial Magistrates of the second class; and
5. Executive Magistrates.