BNSS-222

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PROCESS TO COMPEL THE APPEARANCE OF ACCUSED IN COURT

- Summons.
- Warrant of Arrest
- Proclamation and attachment

Purpose of Summons: Summons is either

- For personal appearance, or
- For producing a document or thing.

Arrest of a woman

- Only a woman police officer can touch the person of the woman.
- 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 Judicial Magistrate of the First Class*** within whose local jurisdiction the offence is committed or the arrest is to be made(S.43(5).

Arrest Restriction for Vulnerable Individuals (S.35(7):

- Law enforcement officers require prior authorization from an officer ranking Deputy Superintendent of Police or above to arrest individuals aged ***60 or older*** or those with ***infirmities for offences punishable by less than three years of imprisonment.***

Arrest without a warrant by a Police Officer : (Ss.35,39&170).

1. Proclaimed offender.
2. Deserter of armed forces.
3. ***Person obstructing a police officer in discharge at his duties***,
4. Person attempts to escape or escaped from lawful custody.
5. **Person concerned in an offence committed outside India which makes him liable to be arrested under the Indian law**.

Arrest without a warrant by a Police Officer

6. Released convict committing breach of rules.
7. Person for whose arrest, requisition is sent by another competent police officer.
8. ***Person designing to commit a cognizable offence (if such offence cannot otherwise be prevented).***
9. ***For obtaining correct name and address in a non-cognizable offence***
10. Person possessing without any lawful excuse property suspected to be stolen.
11. Where a person committed a cognizable offence in the presence of a police officer

12. Above 7 years=Where *credible information* has been received that a person has committed a cognizable offence and *the police officer has reason to believe* on the basis of that information that such person has committed the offence

NOTICE OF APPEARANCE BEFORE POLICE OFFICER

- **S.35 (3) The police officer may, in all‘ cases where the arrest of a person is not required under the provisions of sub-section (l) of section 35, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.**

Punishable with imprisonment upto 7 yrs

- (i) the police officer **has reason to believe** on the basis of such complaint, information, or suspicion that such person has committed the said offence;
- (ii) the police officer is satisfied that ***such arrest is necessary***-

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or

(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured

- and the police officer ***shall record while making such arrest, his reasons in writing***

Complies with Notice

- As long as===Shall not be arrested.
- **Restrictions on arrest of aged and infirm persons:** Section 35(7) offers protection to elderly and infirm individuals from arrest. It stipulates that for offences punishable with ***less than three years' imprisonment***, individuals who are ***above 60 years of age or infirm*** cannot be arrested without ***prior permission from an officer of at least the rank of Deputy Superintendent of Police.***

Preliminary Enquiry for Establishing a Prima Facie Case:

- As per section 173 (3)Upon receiving information about the commission of a cognizable offence punishable by imprisonment for a term of ***three to seven years***, the officer-in-charge of the police station ***may***, with prior ***authorization from an officer of or above the rank of Deputy Superintendent of Police, and taking into account the nature and severity of the alleged crime***: (i) Conduct a preliminary enquiry within a 14-day period to determine ***whether sufficient grounds exist to establish a prima facie case for further action***; or (ii) Proceed directly with a full investigation ***if a prima facie case is already apparent***.

Police officer's power to investigate cognizable case(S. 175)

- ***PUBLIC SERVANT***

(4) Any Magistrate empowered under section 210 may, upon receiving a complaint against a public servant arising in the course of the discharge of his official duties, order an investigation, subject to the following conditions:

(a) receiving a report containing the facts and circumstances of the incident from the officer superior to him; and

(b) considering the assertions made by the public servant regarding the situation that led to the alleged incident.

Section 223. Examination of complainant.

(2) A Magistrate shall not take cognizance of a complaint against a public servant for any offense alleged to have been committed in the course of the discharge of his official functions or duties unless:

(a) such public servant is given an opportunity to make assertions regarding the situation that led to the alleged incident; and

(b) a report containing the facts and circumstances of the incident from the officer superior to such public servant is received.

S. 218/Prosecution of Judges & Public Servants

- (1) When any person who is or was a Judge, Magistrate, or a public servant not removable from his office except by or with the sanction of the Government is accused of any offense alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offense except with the previous sanction, save as otherwise provided in the Lokpal and Lokayuktas Act, 2013.

Power of Lokpal to Grant Sanction for Initiating Prosecution (Section 23)

- Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 (2 of 1974), section 6A of the Delhi Special Police Establishment Act, 1946 (25 of 1946), or section 19 of the Prevention of Corruption Act, 1988 (49 of 1988), the Lokpal shall have the power to grant sanction for prosecution under clause (a) of sub-section (7) of section 20.
- Section 20 (7): A bench consisting of not less than three Members of the Lokpal shall consider every report received by it under sub-section (6) from any agency (including the Delhi Special Police Establishment) and, ***after obtaining the comments of the competent authority and the public servant, may—***
- (a) ***grant sanction to its Prosecution Wing or investigating agency to file a charge-sheet or direct the closure of the report before the Special Court against the public servant;***

Streamlined Prosecution Sanction Process for Public Servants:

- Section 218 introduces significant reforms to address the longstanding issue of delays in obtaining prosecution sanctions for public servants accused of criminal offences. This provision sets a strict 120-day time limit for sanctioning authorities to decide on prosecution requests. If no decision is made within this period, the sanction is automatically deemed granted, effectively preventing indefinite delays in the criminal justice process. Crucially, the section also eliminates the requirement for sanction in cases involving serious offences such as rape, sexual offences, acid attacks, non-treatment of victims, and disobedience of legal directives pertaining to investigations.

84. Proclamation for person absconding

- (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.
- (2) The proclamation shall be published as follows:— (i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides; (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village; (c) a copy thereof shall be affixed to some conspicuous part of the Court-house; (ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

Proclaimed Offender [84(4)]

- Offence which is made punishable with imprisonment of ***ten years or more, or imprisonment for life or with death***
- The Court may, after making such ***inquiry*** as it thinks fit
- ***Pronounce him a proclaimed offender***

BNSS Expands Proclaimed Offender Status

- The BNSS introduces a significant expansion of the "proclaimed offender" status through Section 84(4), addressing a critical gap in the previous legal framework. This amendment broadens the scope of offences for which an individual can be declared a proclaimed offender, now encompassing all crimes punishable by imprisonment of 10 years or more, life imprisonment, or death penalty. This change marks a substantial shift from the earlier, more limited application of the proclaimed offender status, which notably excluded serious offences like rape.

Identification and attachment of property of proclaimed person (S. 86):

- Section 86 of the BNSS introduces a mechanism for dealing with the property of proclaimed offenders within India. The provision empowers courts to initiate a process for identifying, attaching, and forfeiting property belonging to individuals who have been proclaimed as offenders. The process can be initiated by a written request from a senior police officer of the rank of Superintendent of Police or Commissioner of Police or above. The court, upon receiving such a request, can seek assistance from another court or relevant authority to carry out these actions.

Inquiry, Trial or Judgment in absentia of Proclaimed Offender (S. 356):

- Section 356 introduces a groundbreaking approach to handling cases involving proclaimed offenders who evade trial, allowing for their inquiry, trial, and judgment in absentia. This provision strikes a balance between ensuring justice is served and protecting the rights of the accused, even in their absence. The process is initiated through a series of carefully structured steps: two arrest warrants must be issued within a 30-day interval, followed by the publication of notices in two newspapers (local or national) to ensure widespread public awareness. The court is also required to notify the offender's relatives about the trial's commencement and affix notices regarding the trial's initiation in public spaces. To safeguard the accused's rights, the trial against the proclaimed offender can only begin after a 90-day period following the framing of charges, providing ample time for the accused to surrender or be apprehended. Crucially, the provision ensures the right to legal representation by mandating the state to appoint an advocate for the absent accused's defence. This approach significantly deviates from traditional practices that typically limited trials in absentia to merely recording witness testimonies.

Mandatory Forensic Evidence Collection for Serious Crimes:

- Section 176(3) introduces a pivotal reform in criminal investigations, mandating the involvement of forensic experts in cases involving offences ***punishable by seven years or more*** imprisonment. This provision requires the officer-in-charge of a police station to ensure that forensic experts visit the crime scene to collect crucial forensic evidence. To enhance transparency and maintain a reliable record, the entire evidence collection process must be videographed using mobile phones or other electronic devices. Recognizing potential resource constraints, the law grants state governments a five-year window to implement this requirement fully. Furthermore, it addresses potential gaps in forensic capabilities by allowing states to utilize forensic facilities in other states if local resources are temporarily unavailable.

BNSS Expands Age-Related Legal Exemptions:

- Section 179 of the BNSS introduces a significant modification to the age-related exemptions for ***personal appearances in legal proceedings. The new provision lowers the age threshold for exemption from 65 to 60 years***, extending this protection to a broader segment of the elderly population. ***This provision pertains to Police officer's power to require attendance of witnesses***.

Enhancing Transparency and Accountability in Police Searches:

- Section 185 introduces a comprehensive framework to ensure accountability and transparency in police searches, balancing law enforcement needs with individual rights. Under Section 185(1), police officers must meticulously document their reasons for conducting a search in the 'case-diary', providing a clear record of the decision-making process. This requirement is further strengthened by Section 185(2), which mandates that ***all searches be recorded through audio-video electronic means, preferably using mobile phones,*** creating an objective record of the search procedure. To ensure oversight, Section 185(5) requires police officers to transmit copies of all search-related records to the nearest authorized Magistrate within 48 hours.

Modernizing Witness Examination in Warrant Cases:

- Sections 265 and 266 of the new legal framework introduce a significant technological advancement in the conduct of ***warrant cases tried by Magistrates***. These provisions allow for the examination of both ***prosecution and defence witnesses through audio-video electronic means***, marking a departure from traditional in-person testimonies.

GENERAL PROVISIONS RELATING TO SEARCH: (applicable to a search with or without a warrant -- S. 103).

1. **Occupant's duty** :The occupier of the place to be searched must allow free entry and provide reasonable facilities to the maker of the search.
2. **Use force** : To effect an entrance the police officer can use force if necessary. The police officer can break open any door or window and can arrest anyone obstructing him.

GENERAL PROVISIONS RELATING TO SEARCH

3. **Presence of witnesses**: The search must be conducted ***in the presence of two independent and respectable inhabitants of the locality. The police officer has powers to call witnesses for this purpose. The search witnesses must be present at the place of search and must be the actual witnesses to the fact of the finding of the property.***
4. **List of things seized :** The Police Officer has to prepare a list of things seized and ***get it attested by the witnesses.***
5. **Occupant's rights:** ***The occupant or his nominee must be permitted to witness the search and a copy of the list of things seized shall be given to the occupant***.

Recording of search & seizure through audio-video electronic means (S.105)

The process of conducting search of a place or taking possession of any property, article or thing under this Chapter or under section 185, including preparation of the list of all things seized in the course of such search and seizure and signing of such list by witnesses, shall be recorded through any audio-video electronic means preferably mobile phone and the police officer shall without delay forward such recording to the ***District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class***.

Red Corner Notice

- This notice is issued to seek the arrest or provisional arrest of wanted criminals, ***with the intention of extradition*** of the culprits.
  A Red corner Notice is a request to locate and provisionally arrest an individual who is convicted in a criminal case. **But just issue of red corner notice does not mean the person is guilty; he should be proven guilty by the court.**
  It is issued by the General Secretariat at the request of a member country or an international tribunal based on a valid national arrest warrant. ***A Red corner is not an International arrest warrant.***
  INTERPOL cannot compel on any member country to arrest an individual who is served a Red corner Notice. ***Each member country is free to decide the value of a Red corner Notice within their borders.*** This notice is issued against the Dawood Ibrahim on the request of Indian government.

international airports, railway stations, sea routes

- **Example:** INTERPOL had refused to issue red corner notice against Islamic guru Zakir Naik on request of India. The Indian police had demanded red corner notice from INTERPOL without filing a charge sheet against Zakir. Now the CBI has filed the charge sheet against the Zakir and it will file a fresh appeal to INTERPOL for issuing red corner notice against Zakir Naik.

Tender of Pardon to An Accomplice (Approver)

- Sections 343 to 345 of BNSS deal with tender of pardon to an accomplice. Accomplice means a guilty associate or a partner in crime. In cases where several persons are accused of committing a grave offence, certain magistrates are empowered to grant pardon to an accomplice on the condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the offence.

Consequences for Non-Compliance with Pardon Conditions (Section 345):

- If the pardoned individual fails to comply with the terms of the pardon—such as by concealing essential information or providing false evidence—the Public Prosecutor can certify the non-compliance. In such a case, the individual can be tried for the original or related offences. They may also face charges of giving false evidence, but this can only occur with the High Court's sanction. Importantly, such individuals will not be tried jointly with other accused persons. Any statement made by the pardoned individual can be used as evidence against them during the trial. The accused may plead compliance with the pardon conditions, which shifts the burden of proof to the prosecution to prove otherwise. If compliance is proven, the court must acquit the accused, irrespective of other legal provisions.
- This process ensures that while the state gains valuable testimony from those involved in the offence, the rights of the individual receiving the pardon are also safeguarded, ensuring a fair trial.

RIGHTS OF AN ARRESTED PERSON:

1. **Right to be informed of the grounds for arrest (S.47):**
2. **Right to informed of the right to bail (in bailable offences) (S.47):**
3. **Right to be produced before a Magistrate without delay:**
4. **Right of not being detained for more than 24 hours without judicial scrutiny:**
5. **Right to consult a legal practitioner of his choice:**
6. **Right to be informed about the arrest to a nominated person (Sec.48):**
7. **Copy of Medical Examination Report to be provided to the Arrested (S.53 (3):**

Limitations on the power to take cognizance:

- **Prosecution for contempt of lawful authority of public servant (S. 215(1)(a)):**
- **Prosecution for offences against public justice (S. 215(1)(b) & S. 215 (2))**:
- **Prosecution for offences against the State and for criminal conspiracy to commit such offence (S. 217(1))**:
- **Prosecution for the offence of criminal conspiracy of minor offences (S. 217(3)):**
- **Prosecution of a judge or a public servant [S.218(1)]:**
- **Prosecution of members of armed forces [S. 218 (2)]:**
- **Prosecution for offences against marriage [(S. 219(1))]**:
- **Prosecution of husband for rape [S. 219 (6)]**:
- **Prosecution for the offence of cruelty by husband or relative of husband (S.220):**
- **Prosecution for defamation [S. 222)]:**

Default Bail (S. 187). -

- If the accused person is in detention and if the investigation is not completed within the prescribed time, it becomes obligatory to grant him bail. The prescribed time is:
- a. **90 Days** -Where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more.
- b. **60 Days** - Where the investigation relates to any other offence (punishable with imprisonment for less than 10 years).

Relaxed Bail Provisions for Undertrial Prisoners (S.479):

- Section 479 of the BNSS adopts a more compassionate stance on bail for undertrial prisoners, particularly benefiting first-time offenders. Under this provision, individuals who have been detained for up to half of the maximum imprisonment term prescribed for their offence are eligible for bail. Notably, ***first-time offenders who have been held for up to one-third of the maximum term*** are entitled to be released on bond by the Court. The provision mandates that the jail superintendent must apply for bail on behalf of the undertrial once they have served either half or one-third of the maximum detention period.

Cancellation of Bail

- Bail in a bailable offence, may be cancelled by the High Court or the Court of Sessions, irrespective of whether it was granted by it or by a subordinate court or by the Police.
- The question of cancellation of bail by the Police does not arise at all.
- Bail granted by a subordinate Court in a non-bailable offence may be cancelled by that Court u/s 480 (5), BNSS.
- Bail granted by the Police or by the subordinate Court in a non-bailable offence may also be cancelled by the High Court or the Court of Sessions us 483(3), BNSS.
- Bail granted by the Court of Sessions in non-bailable offence may be cancelled by Sessions or the High Court.
- Bail granted by the High Court in non-bailable offence may be cancelled by the High Court.
- An anticipatory bail granted by the Sessions Judge u/s 482, BNSS may be cancelled by the Sessions Judge himself or by the High Court.
- An anticipatory bail granted by the High Court can be cancelled by that High Court.

REMAND

- Remand is a Magistrate's order that allows for the detention of a person in either police or judicial custody. If someone is arrested without a warrant, the police cannot hold them for more than 24 hours without a Magistrate's approval. If the police believe that further detention is necessary for investigation, they must present the accused to the nearest Magistrate, who can then authorize continued detention if deemed appropriate. However, a second-class Magistrate, unless specifically empowered by the High Court, cannot authorize police custody.

Understanding Transit Remand Through a Practical Example:

- To understand the concept of transit remand, consider the following scenario: Mr. P is accused of committing a non-bailable offence in Hyderabad. To evade arrest, he moves to Chennai. The Hyderabad Police then apply to a Hyderabad court for the issuance of a non-bailable warrant against Mr. P, which the court grants. The investigating officer, along with his team, travels to Chennai to arrest Mr. P in execution of the warrant. They inform the local police in Chennai and arrest Mr. P at Chennai with their assistance. Since the court that issued the warrant is more than 30 kilometers away, the accused must be presented before the nearest Magistrate at Chennai to seek transit remand. Transit remand authorizes the investigating officer and his team to transport the accused, Mr. P, to Hyderabad to appear before the concerned court. The Chief Judicial Magistrate or Sessions Judge in Chennai has the power to grant transit remand. After arresting Mr. P, the investigating officer will present him before the Chief Judicial Magistrate or Sessions Judge in Chennai and request transit remand. If the court in Chennai is satisfied, it may grant transit remand for a day or two, depending on the travel time, with instructions to present Mr. P before the appropriate court in Hyderabad.

Bail Application Outcomes for Accused P.-

- After being arrested for a non-bailable offence, Mr. P, upon being presented before the ***Chief Judicial Magistrate or Sessions Judge in Chennai, has the option to file an application for Regular Bail under Section 480 of the BNSS.*** The court will evaluate the bail application based on its merits, leading to one of three potential outcomes:
- a. The Chief Judicial Magistrate or Sessions Judge may grant bail to Mr. P, contingent upon his provision of a ***personal bond and surety bond,*** while also instructing him to participate and cooperate in the ongoing investigation.
- b. Alternatively, the court may issue ***interim bail*** to Mr. P, requiring him to furnish a personal bond and surety bond, and mandating his appearance before the court in Hyderabad on a specified date and time. In this scenario, ***the final decision regarding the bail application will be made by the court in Hyderabad.***
- c. Lastly, the court may choose to ***dismiss the bail application altogether and instead grant Transit Remand*** for Mr. P, thereby allowing the authorities to transport him back to Hyderabad for further proceedings.

Anticipatory Transit Bail. - A Viable Option for Accused P:

- In the scenario described, where Mr. P was arrested in Chennai, a pertinent question arises: can he seek Anticipatory Transit Bail in Chennai, despite being wanted in Hyderabad for an offence committed there? The answer is affirmative; Mr. P is indeed entitled to apply for Anticipatory Transit Bail. He can approach either the Sessions Court in Chennai or the High Court of Chennai to file his application for this type of bail, thereby securing legal protection even though the offence was committed in Hyderabad.

Parole:

- Parole, though not explicitly defined in the BNSS, plays a significant role in the Indian criminal justice system, primarily governed by state-specific prison manuals and rules. It represents a mechanism for the temporary or early release of convicted prisoners who have served a portion of their sentence, typically granted on humanitarian grounds or for specific purposes. Unlike bail, which is relevant during the trial phase, parole is applicable to individuals already serving their sentences.
- The authority to grant parole generally lies with executive bodies such as state governments or prison administrations, rather than the judiciary. Parole may be granted for various reasons, including family emergencies, urgent personal matters, or to facilitate the prisoner's gradual reintegration into society. However, it comes with strict conditions, and any violation can result in revocation and the individual's return to prison.

Custody Parole and Regular Parole.

- **Parole is categorized into two types:** Custody Parole and Regular Parole. Custody Parole is typically granted for a few hours in cases of family emergencies and can be authorized by the Jail Superintendent for convicts, while undertrial prisoners require court approval for such releases. In contrast, Regular Parole is exclusively available to convicts and is granted for a specified short duration; however, the time spent on Regular Parole is added to the prisoner's overall sentence, requiring them to serve additional time in prison.

Distinction Between Furlough and Parole:

- Neither is explicitly defined in the BNSS, but both are integral to the prison system, governed by state-specific rules and regulations. The primary distinction lies in their purpose and implementation. Parole is typically granted for specific reasons or in response to particular circumstances, such as family emergencies or urgent personal matters. It's a more discretionary form of release, often requiring case-by-case evaluation. In contrast, furlough is a more regularized and structured form of release, often granted periodically as part of a prisoner's overall sentence plan. It's viewed as a means of breaking the monotony of imprisonment and facilitating gradual reintegration into society.
- A crucial procedural difference is the treatment of time spent outside prison. Time spent on furlough is counted as part of the served sentence, effectively reducing the total imprisonment period. Conversely, time spent on parole is added to the original sentence, not diminishing the total time to be served.

SUMMONS CASE	WARRANT CASE
1. Nature of the offence A summons case relates to an offence punishable with imprisonment for 2 years and less than 2 years.	1. Nature of the offence A warrant case relates to an offence punishable with death and with imprisonment exceeding years.
2. Trial courts A summons case is tried always by a court of magistrate.	2. Trial courts A warrant case is tried either by a sessions court or a court of magistrate.
3. Charge In a summons case the charge need not be in writing and formal. It is enough if the substance of accused is explained to the accused.	3. Charge In a warrant case the charge must be formal and in writing.
4. Discharge In a summons case there is no express provision for discharge.	4. Discharge In a warrant case there is an express provision for discharge of the accused person where no prima-facie case is made out (where there is no sufficient ground for proceeding).

5. Record of evidence In a summons case the evidence of a witness need not be recorded in full. It is enough if the substance of evidence is recorded.	5. Record of evidence In a warrant case the evidence of a witness must be recorded in full (every question put and every answer given).
6. Acquittal during the pendency In a summons cases there is no provision for acquittal during the pendency of proceedings.	6. Acquittal during the pendency In warrant cases, there is provision for acquitting the accused after taking prosecution evidence and before taking defence evidence if prosecution evidence is found insufficient to secure conviction.
7. Representation of accused on quantum of sentence In a summons case no opportunity is given to the accused to address the court on quantum of sentence.	7. Representation of accused on quantum of sentence In a warrant case, after the conviction the accused can address the court requesting for lesser punishment on certain grounds.
8. Conversion A summons case can be converted into a warrant case. In the sense, if the magistrate conducting trial of a summons case opines that it is better to adopt the trial procedure of a warrant case for a summons case, he can do so.	8. Conversion A warrant case cannot be converted into a summons case.

Withdrawal from Prosecution (S.360):

- Section 360 of the BNSS outlines a critical mechanism allowing Public Prosecutors or Assistant Public Prosecutors to withdraw from a case before judgment, subject to court consent and victim input. The timing of withdrawal significantly impacts the accused's fate: a pre-charge withdrawal results in discharge, while post-charge or charge-less case withdrawals lead to acquittal.

Withdrawal of complaint only in summons cases (S.280):

- In summons cases, Section 280 allows complainants to withdraw their complaints before a final order, provided they can demonstrate sufficient grounds to the Magistrate. If permitted, this results in the accused's acquittal. Contrastingly, Section 247 addresses warrant cases initiated by private complaints, where direct withdrawal is not allowed. However, it offers a provision for partial withdrawal in cases with multiple charges. When an accused is convicted on some charges, the complainant or prosecutor can, with court approval, withdraw remaining charges.

Abatement of proceedings:

- Abatement means coming to an end. If the accused person dies, the criminal proceedings come to an end. The reason for this rule is that the object of criminal proceedings is punishing the accused on his conviction. Therefore, the continuance of criminal proceedings on the death of the accused becomes meaningless. However, in case of an appeal from a sentence of fine shall not abate on the death of the convict-appellant.
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	Revision	Appeal
1	Jurisdiction: The revision Jurisdiction is entertained by the Session Judge and High Court.	The appellate jurisdiction is exercised by Sessions Judge, High court and Supreme Court in hierarchy system.
2	Powers: The Revisional powers of High Court or Court of Session are purely discretionary.	A right of appeal is a substantial right and conferred by the statue.
3	Conversion of an acquittal into conviction: In revision, acquittal cannot be converted into conviction.	In appeal, acquittal can be converted into conviction and vice versa.

	Appeal/Revision	Reference
1	By whom made: Appeal or Revision is preferred by a party or interested person.	Reference is made by a lower court to a High Court.
2	Sessions Court's Power: Session's Court has power to entertain an Appeal or Revision petition.	Reference cannot be made to a Sessions Court.
3	Nature of proceeding: Appeal or Revision is of superiority in nature and the order of the Appellate or Revisional Court is of commanding nature.	Reference is of consultative nature from subordinate court to High Court.
4	When made: Appeal or Revision petition is made after the pronouncement of judgement/order.	Reference is of made pending a trial or appeal.
5	Question of law or fact: Appeal or Revision may be made on a question of law or a question of fact.	Reference can be made only on a question of law.
6	Object: The object of Appeal or Revision is to correct errors already committed.	The object of Reference is to avoid commission of errors by obtaining the opinion of Higher Court in advance.

Use of Case Diary by accused to cross-examine police officer. -

- The accused and their representatives generally do not have access to these diaries. However, there are two exceptions:

1. When the police officer uses it to refresh their memory
2. When the court uses it to contradict the officer's testimony

- CORROBORATIVE EVIDENCE