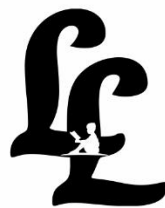


Bharatiya Nagarik Suraksha Sanhita, 2023

Prelims MCQs,
Mains & Interview Questions



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BNSS PRELIMS PAPERATHON

BHARATIYA NYAYA SANHITA, 2023		
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BNSS PRELIMS PAPERATHON

Ch. - I : Preliminary (1-3)

Ch. - I : Preliminary (1-5)

1. A warrant-case means:

- (a) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding six months
- (b) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding three years
- (c) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding five years
- (d) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years

Ans. [d]

Linked Provision: Sec.2(x) (Sec. 2(z) BNSS) L/w 238-250, 275, 277, 278 Cr.P.C. (Sec. 261-273, 310, 312, 313 BNSS)

2. Non cognizable offence means an offence where:

- (a) police officer can arrest without warrent
- (b) police officer can arrest without warrent
- (c) Police officer can grant bail
- (d) only court can grant bail

Ans. [b]

Linked Provision :- Section 2(l) (Sec. 2(o) BNSS) L/w 2(c), 41, 42-43, 149-151, 154-156, 359 of CrPC. (Sec. 2(g), 35, 39-40, 168-170, 173-175, 400 BNSS)

Explanation: As per Section 2(l) (Sec. 2(o) BNSS) of CrPC, 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

3. Under which Section of the Code of Criminal Procedure, 1973 the term "offence" has been defined?

- (a) Section 40
- (b) Section 2 (n)
- (c) Section 2 (w)
- (d) None of the above

Ans. [b]

Linked Provisions:-

- 1. **Sec.2(a) [2(1)(c) BNSS]**- "Bailable and non-bailable offence".
- 2. **Sec.2(c) [2(1)(g) BNSS]**- "Cognizable offence".
- 3. **Sec.2(l) [2(1)(o) BNSS]**- "Non-cognizable offence".
- 4. **Sec.2(n) [2(1)(q) BNSS]**- "Offence".
- 5. **Sec.40 IPC [2(24) BNS]**- "Offence".

Explanation:- Sec.2(n) defines "offence". It means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle- trespass Act, 1871.

4. Complaint as defined under Section 2 (d) of the Criminal Procedure Code, 1973 is concerned with :

- (a) Cognizable offence only

- (b) Non cognizable offence only
- (c) Both (a) and (b)
- (d) None of the above

Ans. [c]

Linked Provisions:-

- 1. **Sec.2(d) [2(1)(h) BNSS]**- "Complaint".
- 2. **Sec.190(1)(a) [210(1)(a) BNSS]**- Cognizance upon receiving a complaint.
- 3. **Sec.200-203 (223-226 BNSS)**- Complaints to Magistrates.

Explanation:- Sec.2(d) defines "complaint". It means any allegation made orally or in writing to a magistrate. Complaint is made with the object that the Magistrate should take action under this Code against the person who has committed an offence. Here, this person can be known or unknown. It does not include a police report.

5. In which one of the following sections of the Criminal Procedure Code, 1973 the 'Cognizable offence' has been defined?

- (a) Section 2 (a)
- (b) Section 2 (b)
- (c) Section 2 (c)
- (d) Section 2 (i)

Ans. [c]

Linked Provisions:-

- 1. **Sec.2(a) [2(1)(c) BNSS]**- "Bailable and non-bailable offence".
- 2. **Sec.2(c) [2(1)(g) BNSS]**- "Cognizable offence".
- 3. **Sec.2(l) [2(1)(o) BNSS]**- "Non-cognizable offence".
- 4. **Sec.2(n) [2(1)(q) BNSS]**- "Offence".
- 5. **Sec.154 (173 BNSS)**- Information in cognizable cases.

Explanation:- Sec.2(c) defines cognizable offence. It is an offence in which the police officer can arrest the convict without a warrant and can start investigation without the permission of the court.

6. Assertion (A): Inquiry precedes trial.

Reason (R): Trial is the third stage of criminal proceeding.

- (a) (A) and (R) both are true and (R) is the correct explanation of (A)
- (b) (A) and (R) both are true but (R) is not the correct explanation of (A)
- (c) (A) is true but (R) is false
- (d) (A) is false but (R) is true

Ans [a]

Linked Provisions:- Sec.2(g) CrPC [2(1)(k) BNSS].

Explanation:- Sec.2(g) defines inquiry. It means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court. It precedes trial.

Trial- CrPC does not define the term trial. A trial is a judicial proceeding that ends in either a conviction or acquittal but does not discharge anyone. It is examination and determination by a judicial tribunal over a cause which has jurisdiction over it. It is the third stage of criminal proceeding.

BNSS PRELIMS PAPERATHON

Ch. - II : Constitution Of Criminal Courts & Offices (6-20)

7. The subject of Criminal Procedure falls in which one of the following lists of the Constitution of India

(a) Union list (b) State list
(c) Concurrent list (d) Either (a) or (b)

Ans. [c]

Linked Provisions:- 7th schedule COI.

Explanation:- Criminal law and criminal procedure fall under the Concurrent List while matters relating to Police and Prisons fall under the State List.

8. A Laying of "trap" is a part of

(a) Inquiry (b) Trial
(c) Investigation (d) None of these

Ans. [c]

Linked Provisions :- Sec. 2(h) (Sec 2(I) BNSS) Cr.P.C.

Explanation- As per sec.2(h), "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. Trap laying is a part of investigation.

9. The Criminal Law (Amendment) Act, 2013 came into force on

(a) 19th March, 2013
(b) 3rd February, 2013
(c) 21st March, 2013
(d) 31st March, 2013

Ans. [b]

Linked Provisions :- Sec. 26 proviso, 54A Proviso 1 & 2, 154(1) Proviso 1 & 2, 160(1) Proviso, 161(3) Proviso 2, 164(5A), 173(2)(i)(h), 197(1) expl., 198B, 273 Proviso, 309(1), 327(2), 357B, 357C Cr.P.C.

Explanation- The Bill received Presidential assent on 2 April 2013 and was deemed to be effective from 3 February 2013. It was originally an Ordinance promulgated by the President of India, Pranab Mukherjee, on 3 February 2013, in light of the protests in the 2012 Delhi gang rape case.

10. Sec 91 (Sec 94 BNSS) of the Code of Criminal Procedure 1973, does not apply to:

(a) The complainant
(b) The witness
(c) The accused
(d) A person who is neither a complainant or accused or a witness

Ans. [C]

Explanation - The provisions of Sec 91 (Sec 94 BNSS)- do not apply to the accused.

Sec 91 - Summons for the production of any document or thing deemed to be by any officer in charge of a court or police station for the purpose of any such investigation, inquiry, trial or other proceeding as may be before the court or officer or order in writing that he produce.

Ch. - II : Constitution Of Criminal Courts & Offices (6-20)

11. As per Section 1(2) (sec. 1(2) BNSS), which chapters of Cr.P.C. shall apply to Nagaland?

(A) Only Chapter IX
(B) Chapters VIII and VII
(C) Chapters VIII, IX and X
(D) Chapters VIII, X and XI

Ans. [D]

Linked Provision- Sec.1 CrPC. (Sec. 1(2) BNSS)

Explanation- Sec.1 deals with short title, extent and commencement. Sec.1(2) states that CrPC extends to whole of India. But, Chap.8, 10 & 11 shall not apply to- i) the State of Nagaland, ii) the tribal areas.

* The concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas.

12. Police officer can be appointed as Asst. Public Prosecutor, provided:

(a) he is below the rank of Inspector
(b) he has taken part in investigation
(c) he is in the rank of Superintendent of Police
(d) he is not below the rank of Inspector and has not been part of investigation

Ans. [d]

Linked Provision: Sec.25(3) proviso (Sec. 19(3) proviso BNSS) L/w 24,25A of CrPC. (Sec. 18, 20 BNSS)

13. Under which Section of Cr.P.C. Assistant Public Prosecutor is appointed by the Government.

(a) Section 24 (Sec. 18 BNSS)
(b) Section 25 (Sec.19 BNSS)
(c) Section 26 (Sec.21 BNSS)
(d) Section 29 (Sec.23 BNSS)

Ans. [a]

Linked Provision:-Sec.25 L/w 24 Cr.P.C. (Sec. 19 L/w 18 BNSS)

Explanation: Sec.24 (Sec.18 BNSS)- Public Prosecutors.

Sec.25 (Sec.19 BNSS) - Assistant Public Prosecutors.

Sec. 26 (Sec.21 BNSS) - Courts by which offences are triable.

Sec. 29 (Sec.23 BNSS) - Sentences which Magistrates may pass.

14. Arrange the following in the chronological order on the basis of Sections of Criminal Procedure-

I- Public prosecutor

II- Special Metropolitan Magistrate

III- Special Judicial Magistrate

IV- Court of Session

Select the correct answer using the code given below-

Code -

(a) I, II, III and IV

BNSS PRELIMS PAPERATHON

Ch. - III : Power of Courts (21-29)

Explanation:- Sec 25(1A) - The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates.

21. Which of the following sentences a High Court can pass?

- (a) Death sentence
- (b) Imprisonment for life
- (c) Rigorous imprisonment
- (d) Any sentence authorised by law

Ans. [d]

Linked Provisions :-

1. **Sec 354(3) (Sec 393 BNSS)** - Special reason to be written in case of death penalty.
2. **Sec 368 (Sec 409 BNSS)**- Confirmation by the High Court of the death sentence given by the Court of Session.
3. **Sec 413 (Sec 453 BNSS)**- Execution of death sentence awarded under Sec 368.
4. **Sec 414 (Sec 454 BNSS)**- Execution of death sentence by High Court.
5. **Sec 415 (Sec 455 BNSS)**- Postponement of death sentence.

Explanation - Sec 28 (**Sec 22 BNSS**)- The High Court may impose any punishment authorized by law.

Ch. - III : Power of Courts (21-29)

22. Chief judicial magistrate may pass sentence?

- (a) Up to death
- (b) Upto life imprisonment
- (c) Upto 10-year imprisonment
- (d) Upto 7-year imprisonment

Ans. [d]

Linked Provision: Sec.29(1) L/w 12, 14, 15, 28, 325 Cr.P.C. (Sec. 23(1) L/w 10, 12, 13, 22, 364 BNSS)

23. Who prepares a panel of names for the appointment of public prosecutors in district?

- (a) District Magistrate only
- (b) Session Judge only
- (c) District Magistrate in consultation with the Session Judge
- (d) State Government

Ans [c]

Linking Provisions:-

1. Sec 2(u) (Sec 2(1)(v) BNSS) – Public Prosecutor
2. Sec 301 (**Sec 338 BNSS**)– Appearance by Public Prosecutor.
3. Sec 225(**Sec 248 BNSS**) - Trial to be conducted by Public Prosecutor.

Explanation:- Sec 24(4) (**Sec 18 BNSS**) – The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion, fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

24. How much maximum punishment of imprisonment could be given by Chief Metropolitan Magistrate ?

- (a) Upto 10 years
- (b) Upto 7 years
- (c) Upto 5 years
- (d) Upto 3 years

Ans. [b]

Explanation - Sec 29 (**Sec 23 BNSS**)- The Chief Metropolitan Magistrate shall have the same power to punish any person as the Chief Judicial Magistrate. Power to punish - Imprisonment up to seven years and fine (there is no limit on fine).

Ch. - IV : Powers of Superior officers of Police & aid to the Magistrates & the Police (30-34)

25. Under CrPC, which of the following courts are shown as criminal court?

- (a) The High Court
- (b) Court of Session
- (c) Judicial Magistrate First Class
- (d) All of these

Ans. [d]

Linked Provisions :- Sec 26(**Sec 21 BNSS**)- Trial Court.

Explanation- According to Sec 6 - all the options in question are criminal courts-

- 1) High Court.
- 2) Court constituted under any special law.
- 3) Court of Session.
- 4) Court of First Class Magistrate and Court of Metropolitan Magistrate.
- 5) Court of Second Class Magistrate.
- 6) Executive Magistrate.

26. Sentence in cases of conviction of several offences at one trial is provided under which of the following Sec of the Code of Criminal Procedure?

- (a) Sec 31(**Sec 25 BNSS**)
- (b) Sec 30(**Sec 24 BNSS**)
- (c) Sec 32(**Sec 26 BNSS**)
- (d) Sec 33(**Sec 27 BNSS**)

Ans [a]

Linking Provisions:-

1. Sec 71 (Sec 9 BNS)– Limit of punishment of offence made up of several offences. IPC
2. Sec 223(**Sec 246 BNSS**)– Joinder of accused.
3. Sec 219(**Sec 242 BNSS**) – Joinder of charges.

Explanation:- Provisions of Sec 31(**Sec 25 BNSS**) shall apply when a person is convicted at one trial of two or more offences and the court sentences him for such offences to the several punishments consisting of imprisonments for specific offences.

**BHARATIYA NAGARIK
SURAKSHA SANHITA, 2023
(CrPC, 1973)**

Interview Questions – Solved

Sample Preview

MAINS PAPERATHON

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

I Preliminary

1. Distinguish between the following

- (a) Inquiry and Trial
- (b) Discharge and Acquittal
- (c) Summons Case and Warrant Case

[RJS 2021]

Or

Distinguish between Inquiry and Trial.

[HJS 1988, PJS 2003]

Or

Distinguish between Inquiry and trial.

[HJS 1988]

Or

Write note on Warrant-case.

[BJS 1978]

Or

Which cases are warrant cases?

[GJS 2020]

Or

Distinguish between Summons case and Warrant case.

[PJS 2003]

Ans.-

(a) **Inquiry and Trial**

- **Inquiry**

An inquiry is a stage in a criminal case where a judicial officer, like a judge or magistrate, receives evidence from investigating authorities.

The judicial officer then decides if there is enough evidence to charge the suspect with a crime and proceed with trial.

An inquiry can't result in a conviction or acquittal, but it prepares the case for trial.

- **Trial**

A trial is a judicial proceeding where the prosecution and defence present their evidence and arguments.

A judge or jury then decides if the suspect is guilty or not guilty of the crime.

It results either in conviction or acquittal of an accused.

(b) **Discharge and Acquittal**

Ans.- The differences between Acquittal and Discharge according to Criminal Procedure Code, 1973 (BNSS) are given below:

1. Acquittal means legally freeing the accused, when he is found innocent by the court, after considering all the facts and evidence submitted in this regard. Discharge means a legal order of release given by the police officer or the magistrate or judge when the grounds on which the person is arrested transpired as false or unsubstantiated.
2. Acquittal is provided in section 232, 248, 255 of the CrPC (255, 271, 278 BNSS) whereas Discharge is provided in section 227, 239, 245 of the CrPC (250, 262, 268 BNSS).
3. Acquittal signifies a judgment of innocence, where the defendant is not found guilty of the charges beyond a reasonable doubt. Discharge does not imply a judgment on guilt or innocence; it is the termination of proceedings due to procedural or evidentiary issues.
4. A person can be discharged before framing charges. Only after the charges have been framed, a person can be acquitted.

MAINS PAPERATHON

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

5. Acquittal is ordered when the innocence of the accused is proven after a full trial in a judicial process. The accused is discharged due to the lack of any prima facie evidence against him.
6. An acquitted person cannot be re-arrested on the same grounds. One who has been discharged can be re-apprehended for the same reasons.
7. An acquittal requires a trial and verdict, while a discharge does not.
8. Acquittal results from a determination that the evidence presented by the prosecution failed to prove the defendant's guilt. Discharge can occur due to insufficient evidence to establish a prima facie case against the defendant.

(c) Summons Case and Warrant Case

Ans.- Difference Between Summon And Warrant Case

Points of difference	Summon Case	Warrant Case
Nature of Offence	Punishable with less than two years of imprisonment	Punishable with more than two years of imprisonment
Procedure	Dealt with under Chapter-XX of CrPC from Section 251 to 259 (274-282 BNSS).	Dealt with under Chapter-XIX of CrPC from Section 238 to 250 (261-273 BNSS).
Charge Framing	Framing of charges against the accused is not necessary. But, only the particulars must be conveyed to the accused.	Framing of criminal charges against the accused person is mandatory.
Object	It notifies the accused person that he is legally obliged to appear in court.	It brings the accused person before the court, who has ignored the summon has been duly issued to him.
Content	It instructs to produce the relevant documents and others before the court.	In general, it authorizes a police officer to bring the accused person before the court.
Discharge of the accused person, when?	Absence of the complainant or the death of the complainant.	Absence of the complainant. If no charges are framed. If the offence is non-cognizable and compoundable.
Conversion of case	A summon case can be converted into a warrant case.	By no mean, a warrant case can be converted into summon case.

2. Distinguish the following:

- (a) F.I.R. and complaint
- (b) Inquiry and Investigation

[MPSC CJ 2022]

Or

Distinguish between 'Inquiry' and 'Investigation'.

[GJS 2017]

Or

Explain the terms 'Inquiry' and 'Investigation'. Distinguish between the two.

[HPJS 2016]

Distinguish between Inquiry and Investigation.

[PJS 2003]

- (a) F.I.R. and complaint

MAINS PAPERATHON

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

BASIS OF DIFFERENCE	COMPLAINT	FIRST INFORMATION REPORT (FIR)
Definition	An allegation made orally or in writing to a magistrate, with a view to his taking action under the CrPC.	Information relating to the commission of a cognizable offence given to the police officer. [Section 154 CrPC (173 BNSS)]
Who can file	Can be filed by any person	Can be filed only by the victim, someone on behalf of the victim, or someone who has knowledge about the commission of the cognizable offence.
Where to file	Made to a magistrate directly	Filed at a police station [Section 154 CrPC (173 BNSS)]
Cognizance	Magistrate can take cognizance based on a complaint	Magistrate cannot take cognizance based on FIR until police investigates and submits final report. [Section 173, 190 CrPC (193, 210 BNSS)]
Types of offences	Can be filed for cognizable and non-cognizable offences.	Only for cognizable offences. [Section 2(c) CrPC (2(1)(g) BNSS)]
Process	Can directly approach the court.	Requires police intervention and investigation after FIR is registered.
Limitation period	No limitation period to file complaint.	FIR should be filed without delay, any delay has to be explained.

(b) Inquiry and Investigation

Difference Between Investigation and Inquiry

Basis	Investigation	Inquiry
Meaning / अर्थ	The Investigation is the process that involves the collection of facts and evidence designed to start the situations surrounding the case.	Inquiry is a judicial procedure, initiated in order to remove uncertainty, find out true facts or expand knowledge about it.
Definition	Defined in Section 2(h) of the Code of Criminal Procedure (CrPC) [2(1)(l)BNSS].	Defined in Section 2(g) of the Code of Criminal Procedure (CrPC) [2(1)(k)BNSS].
By whom Conducted	Police officer and any other person authorized by magistrate.	It is conducted by the magistrate or court.
Stage	Investigation is the first stage in a criminal case.	Inquiry is the second stage that follows the investigation.
Objective	The objective is to collect facts and evidence related to an alleged crime.	The objective is to determine the truth or falsity of the allegations based on the evidence.

**BHARATIYA NAGARIK SURAKSHA
SANHITA 2023
(CrPC, 1973)**

Interview Questions – Solved

Sample Preview

BNSS INTERVIEW QUESTIONS

BHARATIYA NAGARIK SURAKSHA SANHITA 2023 (CrPC, 1973)

1. What is difference between bailable and non-bailable offence?

Ans. Sir, in case of bailable offence, bail claimed by accused person as a matter of right and Court or the Officer-in-Charge of a Police Station is bound to release the person in custody who is prepared to give bail.

Whereas in case of non-bailable offence, bail is discretion of the Court.

2. What difference between cognizable and non-cognizable offence?

Ans. Sir, in case of cognizable offence, police has power to arrest without warrant. Whereas in case of non-cognizable offence Police Officer has no authority to arrest a person without warrant or an order of the Court under Section 155 (2) (174 BNSS) nor can he make a search under Section 165 of the Cr.P.C. (185 BNSS)

3. What is difference between complaint and information.

Ans. Sir, in the case of complaint, the complainant request to the magistrate to prosecute the person named as accused, but in case of information. The Magistrate acts his own initiative.

4. What is difference between inquiry and trial?

Ans. Sir, the term inquiry covers the proceeding upto the stage when they result in a discharge, whereas the term trial represents proceedings from the point at which the may result in a conviction or acquittal.

सर, जांच शब्द उस चरण तक की कार्यवाही को कवर करता है जब वे आरोप मुक्त हो जाते हैं, जबकि शब्द विचारण उस बिंदु से कार्यवाही का प्रतिनिधित्व करता है जिस पर दोषसिद्धि या दोषमुक्ति हो सकती है।

5. What are differences between inquiry and investigation?

Ans. Sir,

- (i) an inquiry is made by a Magistrate or a Court but an investigation is done by a Police Officer or any that person not being a Magistrate or a Court.
- (ii) an inquiry may be judicial or non-judicial but an investigation is never judicial.
- (iii) the purpose of inquiry is to determine the truth but the an investigation is to collect evidence.

6. Tell a certain cases in which an inquiry may be made under the Criminal Procedure Code?

Ans. Sir,

- (i) In case of dispute as to immovable property under Section 145 (4). (164 BNSS)
- (ii) In proceeding under Sections 146, 147 and 148. (165, 166, 167 BNSS)
- (iii) In case of death of a person in police custody under Section 176. / (196 BNSS)

7. What is offence?

Ans. Sir, offence means any act or omission made punishable by any law for the time being in force. (offence has been defined in Section 40 of IPC and 2(n) of crpc).

8. What are differences between summon case and warrant case?

Ans. Sir, all cases in which the offence is punishable two years or less than two years called summon cases. Whereas all cases in which the offence is punishable with death, imprisonment for life or imprisonment for a term exceeding two years are warrant cases.

9. What amendments have been made by the Criminal Procedure Code (Amendment) Act, 2008 for speedy trial?

Ans.

- (1) In a case of a rape of a child the investigation will be completed within Two months from that date.
- (2) No adjournment shall be given except the circumstances are beyond the control of the party.
- (3) The trial of rape cases shall be completed within 2 months from the date of commencement of examination of the witnesses.

10. What are the objectives of the Code of Criminal Procedure (Amendment) Act, 2008?

Ans. To ensure speedy and fair justice and to promote criminal justice system.

11. Advocates were absent from judicial work due to amendment in the Code of Criminal Procedure. Were you involved in this too?

Ans. Sir No.

12. Why?

Ans.

- (1) Sir, the amendment in section 309 with which the strike took place, the amendment will soon settle the matter. Common people will continue to have faith in justice. Sir, justice fails by delay and amendment to other sections was necessary to achieve the purposes of justice.
- (2) If disagreed-some amendments like amendment of section 309 will cause trouble to both the advocate and the client. The client will find it difficult that he may have to pay fees to the lawyer repeatedly and the lawyer will have trouble that he can argue only in one or two cases. Secondly, if for any reason, the advocate does not appear, then the court is empowered to record the statement of the witness and release it from examination or cross examination and pass the appropriate order. The accused will benefit from this provision.

BNSS INTERVIEW QUESTIONS

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

13. What is Judicial over reach?

Ans. When the judiciary starts functioning outside its jurisdiction, it is named Judicial over reach.

14. In which case and which judge has used the term Judicial over reach?

Ans. Indira Priyadarshan v. Union of India, (2008), Hon'able Justice Mr. Markandey Katju.

15. What is Interim bail?

Ans. Court can accept the bail for some time before passing the final order on the bail application. It is called Interim bail.

16. Which section of the Code of Criminal Procedure is related to the principle of natural justice audi alteram partem?

Ans. Sir, Section 313 (351 BNSS)

17. Which section of the Code of Criminal Procedure gives exceptional jurisdiction to the court?

Ans. Sir, Section 482 (528 BNSS)

18. and Article?

Ans. Sir, Article 142.

19. What is 'Plea bargaining'?

Ans. Bargaining is the process of settlement of the case by agreement between the advocate, the accused and the prosecution, where the accused can make an application on affidavit in the court in cases of crime up to 7 years, both the parties can compromise.

सौदा अभिवाक, अभियुक्त तथा अभियोजन पक्ष के बीच समझौते द्वारा मामले को निपटाने की प्रक्रिया है जहां अभियुक्त 7 वर्ष तक के अपराध के मामलों में न्यायालय में शपथ पत्र पर आवेदन कर दोनों पक्ष समझौता कर सकते हैं।

20. By which amendment Act 'Plea bargaining' has been added?

Ans. Sir, by the Criminal Laws (Amendment) Act, 2005.

21. The Criminal Procedure Code, 1973 has been amended twice recently? Name the amendment Act.

Ans. Sir, the Criminal Laws (Amendment) Act, 2013, and the Criminal Laws (Amendment) Act, 2018.

22. Explain in detail about 'Plea Bargaining' or the main points of Plea Bargaining.

Ans.

- (i) Application for 'plea bargaining' is filed by the accused.
- (ii) The application is filed in the court where the matter is pending for trial.
- (iii) In mutually resolving settlement of the case, the court provides half of the minimum punishment and where there is no provision of

minimum penalty for the offence charged, the accused provides one-fourth of the punishment for that offence.

- (iv) The decision rendered by the Court on the basis of express bargaining is final. This decision cannot be appealed against. Writ petition can be filed in the High Court and the Special Leave Petition in the Supreme Court.
- (v) The provision of Chapter 21-A applies against the accused by whom the offence punishable with imprisonment for a term not exceeding 7 years appears to have been committed.
- (vi) The provision of Plea bargaining shall not apply where such offence affects the socio-economic condition of the country or is female or appears to have been committed against an infant under 14 years of age. According to section 265- (g), nothing in this chapter will be applicable to any child or adolescent.

23. Is there any other similar provision under the Code of Criminal Procedure?

Ans. Yes Sir, Section 320 (359 BNSS) provides for the compounding of offence.

24. Explain Section 320. (359 BNSS)

Ans. Sir, there are two tables under Section 320-Table 1 gives the list of offences in which the offender and the victim can do compromise with each other without the permission of the Court. Table 2 lists such offences wherein the parties can compromise only with the permission of the court.

25. What is the basic difference between the compounding of offence and plea bargaining?

Ans. Sir, in compounding of offence, application can be made by victim, while in case of plea bargaining the application can be made by accused himself.

In Plea bargaining, the accused can be sentenced while in the compounding of offence, the accused is discharged.

The effect of compounding of offence is the conviction of the accused, while in plea bargaining, the accused can be punished and ordered to pay compensation.

26. What is the similarity between the two?

Ans. Sir, the accused should not be accused of prior conviction in both the provisions.

27. Have you gone to compromise on the any stage?

Ans. Yes Sir.

28. In which case?

Ans. Sir, in cases like wrongful restraint, wrongful confinement and house trespass etc.

29. Can the offence of theft and cheating be compounded?

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