

CHAPTER XXXVI

OF THE MAINTENANCE OF WIVES AND CHILDREN

488. **Order for maintenance of wives and children.**— (1) If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Metropolitan Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding four hundred taka in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

(2) Such allowance shall be payable from the date of the order, or if so ordered from the date of the application for maintenance.

Enforcement of order.— (3) If any person so ordered fails without sufficient cause to comply with the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made :

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing :

Provided, further, that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due.

(4) No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

(5) On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

(6) All evidence under this Chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases :

Provided that if the Magistrate is satisfied that he is willfully avoiding service, or willfully neglects to attend the Court, the Magistrate may proceed to hear and determine the case *ex parte*. Any orders so made may be set aside for good cause shown on application made within three months from the date thereof.

(7) The Court in dealing with applications under this section shall have power to make such order as to costs as may be just.

(8) Proceedings under this section may be taken against any person in any district where he resides or is, or where he last resided with his wife, or, as the case may be, the mother of the illegitimate child.

Note

Section 5 of the Family Courts Ordinance, 1985 which came into force on 15 - 6 - 85, has put this relief u/s 488 into controversy in view of the fact that the matter of "Maintenance" has been assigned to the exclusive jurisdiction of the Family Courts for being entertained, tried and disposed of. But apart from the wordings "the Family Court shall have exclusive jurisdiction"—with regard to five matters including "maintenance" laid down therein nothing has been stated expressly in the ordinance as to the ouster of Magistrate's jurisdiction u/s 488. In this view of the matter I am of the opinion that a Magistrate shall not act beyond jurisdiction if he attends an application u/s 488. However, at the present the matter has been settled by the Hobble High Court Division in the case cited below.

Of course, the Family Courts Ordinance, 1985 being a special statute dealing with the subject "maintenance" among others, the Magistrates should discourage institution of such cases with them so that the parties may reap the benefit of the special procedure laid down in the special statute made recently on the subject.

47. DLR Page 18 - Meher Negar Vs. Mojibur Rahman—

Provisions of this Ordinance are applicable not only to the Muslim Community but also to other communities constituting the populace of Bangladesh.

47. D. L. R. Page 18 Meher Negar vs. Mojibur Rahman. —

Provision of the Family Courts Ordinance 1985 have not taken away the power of a Magistrate to order for maintenance under section 488 Cr. P. C. The Sessions Judge committed error of law in setting aside the order of maintenance passed by the Magistrate.

This ruling has overruled the decision of the single Bench reported in 42 D. L.R. at page 150 to the effect that the Magistrate have no jurisdiction to entertain an application u / s. 488 of the Cr. P. C. in view of the provision of the Family Courts Ordinance, 1985.

Past Maintenance :

Jamila Khantun vs. Rustom Ali. Crl. Appeal No. 21 of 1991 Judgment delivered on 7. 3. 96 by Appellate Division (not yet reported).

Appellate Division of the Supreme Court held that Muslim women are entitled to the past maintenance subject to Article 120 of the Limitation Act. The Court further held that a wife can also claim past maintenance for the child if she has been supporting the child in the same household without any contribution from the father whose duty it was to maintain the child.

489. Alteration in allowance.— (1) On proof of a change in the circumstance of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit :

Provided that if he increases the allowance the monthly rate of four hundred taka in the whole be not exceeded.

(2) Where it appears to the Magistrate that, in consequence of any decision of a competent Civil Court, any order made under section 488 should be cancelled or varied, he shall cancel the order or, as the case may be, vary the same accordingly.

490. Enforcement of order of maintenance.— A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order may be enforced by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII

DIRECTIONS OF THE NATURE OF A HABEAS CORPUS

491. Power to issue directions of the nature of a Habeas Corpus.— (1) The High Court Division may, whenever it thinks fit, direct -

(a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law;

(b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(e) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(2) The Supreme Court may, from time to time, frame rules to regulate the procedure in cases under this section.

(3) Nothing in this section applies to persons detained under any law for the time being in force providing for preventive detention.

491A. Powers of High Court outside the limits of appellate jurisdiction. Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Schedule.

PART - IX

SUPPLEMENTARY PROVISIONS

CHAPTER XXXVIII

OF THE PUBLIC PROSECUTOR.

492. Power to appoint Public Prosecutors.— (1) The Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

(2) The Chief Metropolitan Magistrate or the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below such ranks the Government may prescribe in this behalf] to be public Prosecutor for the purpose of any case.

493. Public Prosecutors may plead in all Courts in cases under his charge, Pleaders privately instructed to be under his direction.— The Public Prosecutor may appear and plead without

any written authority before any Court in which any case of which he has charged is under inquiry, trial or appeal, and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein, under his directions.

494. Effect of withdrawal from prosecution.— Any Public Prosecutor may, with the consent of the Court, before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried; and upon such withdrawal,-

(a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences.

495. Permission to conduct prosecution.— (1) Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below the rank to be prescribed by the 4[Government] in this behalf but no person, other than the Attorney-General, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Government in this behalf, shall be entitled to do so without such permission.

(2) Any such officer shall have the like power of withdrawing from the prosecution as is provided by section 494, and the provisions of that section shall apply to any withdrawal by such officer.

(3) Any person conducting the prosecution may do so personally or by a pleader.

(4) an officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

CHAPTER XXXIX OF BAIL

496. In what cases bail to be taken.— When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail :

Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided :

Provided, further, that nothing in this section shall be deemed to affect the provisions of section 107, sub-section (4), or section 117, sub-section (3).

497. When bail may be taken in case of non-bailable offence.— (1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life :

Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail.

(2) If it appears to such officer or Court at any state of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.

(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused, if he is in custody on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

(5) The High Court Division or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody.

497A : Omitted by Ord. IX Ord. 82 w. e. f. 15 - 6 - 82

(This section was inserted by L. R. O. Ord. No. XLIX of 1978).

498. Power to direct admission to bail or reduction of bail.—

The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court Division or Court of Sessions may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police officer or Magistrate be reduced.

499. Bond of accused and sureties.—(1) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police officer or court, as the case may be.

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court Division, Court of Sessions or other Court to answer the charge.

500. Discharge from custody.—(1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

(2) Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detain, for some matter other than that in respect of which the bond was executed.

501. Power to order sufficient bail when that first taken is insufficient.— If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

502. Discharge of sureties.— (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES

503. When attendance of witness may be dispensed with.— (1) Whenever in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Metropolitan Magistrate, a District Magistrate, a Court of Sessions or the High Court Division that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be

procured without an amount of delay, expense of inconvenience which under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(2) and (2A) : Omitted by Act VIII of 1973.

(2B) Issue of commission and procedure thereunder.- When the witness resides in the United Kingdom or any other country of the Commonwealth other than Bangladesh, or in the Union of Burma, or any other country in which reciprocal arrangement in this behalf exists, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Government by notification in the official gazette.

(3) The Magistrate or officer to whom the commission is issued, or if he is the District Magistrate, he, or such Magistrate, of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

504. Commission in case of witness being within a Metropolitan Area.—(1) If the witness is within the local limits of the jurisdiction of any Metropolitan Magistrate, the Magistrate or court issuing the commission may direct the same to such Metropolitan Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

(2) When a commission is issued under this section to the Chief Metropolitan Magistrate, he may delegate his powers and duties under the commission to any Metropolitan Magistrate subordinate to him.

505. Parties may examine witnesses.—(1) The parties to any proceeding under this Code in which a commission is issued, may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to

the issue and when the commission is directed to a Magistrate or officer mentioned in section 503, such Magistrate or the officer to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

(2) Any such party may appear before such Magistrate or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

506. Power of Sub-ordinate Magistrates to apply for issue of commission.— Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Metropolitan Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

507. Return of commission.— (1) After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Evidence Act, 1872, may also be received in evidence at any subsequent stage of the case before another court.

508. Adjournment of inquiry or trial.— In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

508A. Application of this Chapter to commissions issued in Burma.— The provisions of sub-section (3) of section 503, section

504 and so much of sections 505 and 507 as relates to the execution of a commission and its return by the Magistrate or officer to whom the commission is directed shall apply in respect of commissions issued by any Court or Judge having authority in this behalf in the United Kingdom or in any other country of the Commonwealth other than Bangladesh or in the Union of Burma or any other country in which reciprocal arrangement in this behalf exists under the law in force in that country relating to commissions for the examination of witnesses, as they apply to commissions issued under section 503 or section 506.

CHAPTER XLI SPECIAL RULES OF EVIDENCE

509. Deposition of medical witness.— (1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XL, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

(2) **Power to summon medical witness.**— The Court may, if it thinks fit, summon and examine such deponent as to the subject matter of his deposition.

²[**509A. Report of post mortem examination.**— Where in any inquiry, trial or other proceeding under this Code the report of a post mortem examination is required to be used as evidence, and the Civil Surgeon or other medical officer who made the report is dead or is incapable of giving evidence or is beyond the limits of Bangladesh and his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such report may be used as evidence].

Note

In view of this provision Report of a Post-mortem examination may be admitted into evidence without formal proof of the same by the medical officer who made the report if : -

- (a) The concerned Medical officer is dead.
- (b) The concerned Medical officer is incapable of giving evidence (Incapability may be due to infirmity, serious illness, etc.)
- (c) The concerned Medical officer is away from Bangladesh and whose attendance cannot be procured without an amount of unreasonable delay, expense or inconvenience.

But this provision shall have to be applied very sparingly and only in the circumstances mentioned above. For the ends of justice the courts should make all out efforts to have the Medical officer examined, of course, without allowing to consume more time.

37 DLR (Dha) 156 : state vs. Altaf Hossain : Postmortem reports when can be used as evidence in a case— explained:

Post-mortem report if otherwise inadmissible in evidence however may be used by the defence for its own purpose and not by the prosecution.

37 DLR(Dha) 237 : Nayan vs. The State : Section 509A was introduced by Ordinance 24 of 1982 on 21. 8 82 — the Postmortem report by the doctor being of a date earlier thereto it is not admissible in evidence on the basis of the provisions of Section 509A.

5BLD (Ctg) 203 : Siddique Ahmed & Ors. Vs. The state :

Post Mortem report -- Its admissibility -- A mere application on behalf of prosecution was filed that the whereabouts of the doctor could not be traced out but no evidence has been led to support that contention— The report cannot be used as evidence without proper proof that the attendance of the doctor cannot be procured.

Post Mortem report -- whether indispensable in deciding a criminal case -- Medical evidence of the doctor who held post-mortem examination being corroborative of the other incriminating evidence relating to the cause of death of the deceased the court is at liberty to come to a finding regarding the cause of death on the basis of such other evidence.

40 DLR 177 Ezahar Sapai vs. state : — Postmortem report is an admissible evidence when three requirements laid down in the section are satisfied. (for principle : 43 DLR 440 and 43 DLR 573).

44 DLR 441 : Abdul Qudus vs. State — As the doctor concerned who held the postmortem examination is not examined although he was available in the country at the relevant time, the report was not legally admitted into evidence and as such the conviction based there on is illegal.

[510. Report of Chemical Examiner, serologist, etc.— Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government or any serologist, handwriting expert, finger print expert or fire arm expert appointed by the Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may, without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under this Code.]

Note

The section has been amended by inserting the wordings "with out calling him as a witness". This is a significant change made for expeditious disposal of cases dispensing with the appearance of the experts in court and providing for using their reports as evidence without calling them as witnesses.

But many are expressing great concern over this change. Facing of cross-examination in court acted as a significant check in making otherwise than true reports. But removal of this check without making any alternative provision is likely to lead the experts to be negligent or arbitrary in making the reports otherwise than a true one. This is most undesirable. Expeditious disposal of cases at the cost of justice can never be subscribed.

510A. Evidence of formal character on affidavit.— (1) The evidence of any person whose evidence is of a formal character may be given by affidavit and may, subject to all just exceptions, be read in evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinks fit, and shall, on the application of the prosecution of the accused, summon and examine any such person as to the facts contained in his affidavit.

511. Previous conviction or acquittal how proved.— In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force -

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(b) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered; together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

³[512. Record of evidence in absence of accused.— (1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try such person for the offence complained of may, ²[***] in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable]

Record of evidence when offender unknown. - (2) If it appears that an offence punishable with death or transportation has been committed by some person or persons unknown, the High Court Division may direct that any Magistrate of the first class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond the limits of Bangladesh.

Note

Sub-section (1) of the section has been amended by omitting the comma and words "on the arrest of such person". This section provides for using the deposition of witnesses in a subsequent trial against an accused who was absent at the time such deposition was recorded by the court provided the said witness is dead or incapable of giving evidence or whose attendance cannot be procured without an unreasonable amount of delay, expense or inconvenience.

This Section leads us to split up a case between the accuseds present and the accuseds absent and to leave aside the case of the absentee accuseds for being tried subsequently.

² By Ord'n XXIV of 1982, w. e. f. 21-8-82

³ By Ord'n LX of 1982, w. e. f. 30-12-82

In 1982 vide ordinance No. XXIV a special provision being section 339B has been incorporated in the code making provision for trial in the absence of the accused and in view of this provision many are of the opinion that section 512 is contradictory to this section and that for this reason section 512 is to be deleted. But a close reading of the two sections will reveal that the sections are not contradictory, rather, section 512 is complementary to a great extent. Section 339B provides for trial in the absence of the accused whereas Section 512 deals with the use of evidence of a witness taken in the absence of the accused. We are now, of course, not to resort to separate trial at a subsequent time on the arrest of the absentee accused ; but it is very often happening that in the midst of the trial the absentee accuseds are making appearance and in that situation we have no other provision than the one u/s 512 regarding use of the evidence of those witnesses as mentioned in the sections. Of course, retention of the protion of the section regarding splitting up of the case of an absentee accused and to try him subsequently appears to be redundant in view of section 339B.

47DLR 61 : Baharuddin vs. state — section 339B(2) provides for absentia trial, section 512 has no application in the case of an accused who appeared before the court but thereafter absconded.

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CHAPTER XLII PROVISIONS AS TO BONDS

513. Deposit instead of recognizance.— When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

514. Procedure on forfeiture of bond.— (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Metropolitan Magistrate or Magistrate of the first class.

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the movable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any movable property belonging to such person without such limits, when endorsed by the District Magistrate or Chief Metropolitan Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond

(7) When any person who has furnished security under section 106 or section 118 or section 562 is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, or of a bond executed in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.

514A. Procedure in case of insolvency or death of surety or when a bond is forfeited. - When any surety to a bond under this Code becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken. or a Metropolitan Magistrate or Magistrate of the first class, may order the person from whom such security was demanded to furnish fresh security in accordance with the directions

of the original order, and, if such security is not furnished, such Court or Magistrate may proceed as if there has been a default in complying with such original order.

514B. Bond required from a minor.— When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.

515. Appeals from, and revision of, orders under section 514.— All orders passed under section 514 by any Magistrate other than a Metropolitan Magistrate or District Magistrate, shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

516. Power to direct levy of amount due on certain recognizances.— The High Court Division or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court Division or Court of Sessions.

CHAPTER XLIII OF THE DISPOSAL OF PROPERTY

516A. Order for custody and disposal of property pending trial in certain cases.— When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

517. Order for disposal of property regarding which offence committed.— (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise of any

property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

(2) When High Court Division or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such court may direct that the order be carried into effect by the Chief Metropolitan Magistrate or District Magistrate.

(3) When an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.

Explanation.— In this section the term "property" includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

518. Order may take form of reference to District or Sub-divisional Magistrate.— In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the Chief Metropolitan Magistrate, District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

519. Payment to innocent purchaser of money found on accused.— When any person is convicted of any offence which includes, or amounts to theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same

was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

520. Stay of order under sections 517, 518 or 519.— Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519 passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

521. Destruction of libellous and other matter.— (1) On a conviction under the Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

(2) The Court may, in like manner, on a conviction under the Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

522. Power to restore possession of immovable property.— (1) Whenever a person is convicted of an offence attended by criminal force or show of force or by criminal intimidation and it appears to the Court that by such force or show of force or criminal intimidation any person has been dispossessed of any immovable property, the Court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction order the person dispossessed to be restored to the possession of the same.

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

(3) An order under this section may be made by any Court or appeal, confirmation, reference or revision.

523. Procedure by police non-seizure of property taken under section 51 or stolen.— (1) The seizure by any police officer

of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure where owner of property seized unknown.- (2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within one month from the date of such proclamation.

524. Procedure where no claimant appears within six months.— (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Metropolitan Magistrate District Magistrate or Sub-divisional Magistrate, or of a Magistrate of the first class empowered by the Government in this behalf.

(2) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. Power to sell perishable property.— If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than ten taka the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

CHAPTER XLIV OF THE TRANSFER OF CRIMINAL CASES

[525A. **Power of Appellate Division to transfer cases and appeals.**— (1) The Appellate Division may direct the transfer of any particular case or appeal from one permanent Bench of the High Court Division to another permanent Bench of the High Court Division, or from any Criminal Court within the jurisdiction of one permanent Bench of the High Court Division to any other Criminal Court of equal or superior jurisdiction within the jurisdiction of another permanent Bench of the High Court Division, whenever it appears to it that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

(2) the permanent Bench of the High Court Division or the Court, as the case may be, to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Bench or Court, as the case may be.]

526. High Court Division may transfer case or itself try it.—

(1) Whenever it is made to appear to the High Court Division :—

(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b) that some question of law of unusual difficulty is likely to arise, or

(c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(d) that an order under this section will tend to the general convenience of the parties or witnesses, or

(e) that such an order is expedient for the ends of justice, or is required by any provision of this Code; it may order -

(i) that any offence be inquired into or tried by any Court not empowered under sections 177 to 183 (both inclusive), but in other respects competent to inquire into or try such offence;

(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;

(iii) that any particular case or appeal be transferred to and tried before itself; or

(iv) that an accused person be sent for trial to itself or to a Court of Session.

(2) When the High Court Division withdraws for trial before itself any case from any Court it shall observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

(3) The High Court Division] may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative :

Provided that no application shall lie to the High Court Division for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.

(4) Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the Attorney-General, be supported by affidavit or affirmation.

(5) When an accused person makes an application under this section, the High Court Division may direct him to execute a bond, with or without sureties, conditioned that he will, if so ordered, pay any amount which the High Court Division may under this section award by way of compensation to the person opposing the application.

Notice to Public Prosecutor of application under this section.-(6) Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty four hours have elapsed between the giving of such notice and the hearing of the application.

(6A) Where any application for the exercise of the power conferred by this section is dismissed, the High Court Division] may if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand taka as it may consider proper in the circumstances of the case.

(7) Nothing in this section shall be deemed to affect any order made under section 197.

Adjournment on application under this section.— (8) If in any inquiry under Chapter VIII or any trial, any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred taka, that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon :

Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party, or, where an adjournment under this sub-section has already been obtained by one of several accused, upon a subsequent intimation by any other accused.

(9) Notwithstanding anything hereinbefore contained, a Judge presiding in a Court of Session shall not be required to adjourn a trial under sub-section (8) if he is of opinion that the person notifying his intention of making an application under this section has had a reasonable opportunity of making such an application and has failed without sufficient cause to take advantage of it.

Explanation.— Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344.

(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the applicant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding two hundred taka that he will make such application within a reasonable time to be fixed by the Court, postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.

526B. Power of Sessions Judge to transfer cases.— (1) Whenever it is made to appear to a Sessions Judge that an order under this section is expedient for the ends of justice, he may order that any particular case be transferred from one Criminal Court to another Criminal Court in his sessions division.

(2) The Sessions Judge may act either on the report of the lower Court, or on the application of a party interested, or on his own initiative.

(3) The provisions of sub-sections (4) to (10) (both inclusive) of section 526 shall apply in relation to an application to the Sessions Judge for an order under sub-section (1) as they apply in relation to an application to the High Court division for an order under sub-section (1) of section 526.

527. Omitted by Act, 1973 (VIII of 1973).

528. Sessions Judge may withdraw cases from Assistant Sessions Judge.— (1) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any Assistant Sessions Judge subordinate to him.

(1A) At any time before the trial of the case or hearing of the appeal has commenced before the Additional Sessions Judge, any Sessions Judge may recall any case or appeal which he has made over to any Additional Sessions Judge.

(1B) Where a Sessions Judge withdraws or recalls a case under sub-section (1) or recalls a case or appeal under sub-section (1A), he may either try the case in his own Court or hear the appeal himself, or make it over in accordance with the provisions of this Code to another Court for trial or hearing as the case may be.

District or Subdivisional Magistrate may withdraw or refer cases.— (2) The Chief Metropolitan Magistrate or any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Power to authorize District Magistrate to withdraw classes of cases.— (3) The Government may authorise the District Magistrate to withdraw from any Magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

(4) Any Magistrate may recall any case made over by him under section 192, sub-section (2), to any other Magistrate and may inquire into or try such case himself.

(5) A Magistrate making an order under this section shall record in writing his reasons for making the same.

CHAPTER XLIVA
SUPPLEMENTARY PROVISION RELATING TO
EUROPEAN AND PAKISTAN BRITISH SUBJECTS
AND OTHERS

Omitted by the Criminal Law Extinction of Discriminatory Privileges Act, 1949 (II of 1950) Schedule.

CHAPTER XLV
OF IRREGULAR PROCEEDINGS

529. Irregularities which do not vitiate proceedings.— If any Magistrate not empowered by law to do any of the following things, namely :—

(a) to issue a search warrant under section 98;

(b) to order, under section 155, the police to investigate an offence;

(c) to hold an inquest under section 176;

(d) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(e) to take cognizance of an offence under section 190, subsection (1), clause (a) or clause (b);

(f) to transfer a case under section 192;

(g) to tender a pardon under section 337 or section 338;

(h) to sell property under section 524 or section 525; or

(i) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

530. Irregularities which vitiate proceedings.— If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely :—

(a) attaches and sells property under section 88;

- (b) issues a search warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department;
 - (c) demands security to keep the peace;
 - (d) demands security for good behaviour;
 - (e) discharges a person lawfully bound to be of good behaviour;
 - (f) cancels a bond to keep the peace;
 - (g) makes an order under section 133 as to a local nuisance;
 - (h) prohibits, under section 143, the repetition or continuance of a public nuisance;
 - (i) issues an order under section 144;
 - (j) makes an order under Chapter XII;
 - (k) takes cognizance, under section 190, sub-section (1) clause (c), of an offence;
 - (l) passes a sentence, under section 349, on proceedings recorded by another Magistrate;
 - (m) calls, under section 435, for proceedings;
 - (n) makes an order for maintenance;
 - (o) revises, under section 515, an order passed under section 514;
 - (p) tries an offender;
 - (q) tries an offender summarily; or
 - (r) decides an appeal;
- his proceedings shall be void.

531. Proceedings in wrong place.— No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong sessions division, district, sub-division or other local area, unless it appears that such error has in fact occasioned a failure of justice.

532. Omitted by Ordn. XLIX of 1978

533. Non compliance with provisions of section 164 or 364.— (1) If any Court, before which a confession or other statement of an accused person recorded or purporting to be recorded under section 164 or section 364 is tendered or has been

received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Evidence Act, 1872, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

(2) The provisions of this section apply to Courts of Appeal, Reference and Revision.

534. Omitted by the criminal Law (Extinction of Discriminatory privilege) Act, 1949 (II of 1950), schedule.

535. Effect of omission to prepare charge.— (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(2) If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

536. Omitted by Ordn. XLIX of 1978.

537. Finding of sentence when reversible by reason of error or omission in charge of other proceedings.— Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account.

(a) of any error, omission or irregularity in the complaint, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or

Explanation.— In determining whether any error, omission or irregularity in any proceeding under this Code has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

538. Attachment not illegal, person making same not trespasser for defect or want of form in proceedings.— No attachment made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of attachment or other proceedings relating thereto.

CHAPTER XLVI MISCELLANEOUS

539. Courts and persons before whom affidavits may be sworn.— Affidavits and affirmations to be used before High Court Division or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the State or any Commissioner or other person appointed by such court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in Bangladesh.

539A. Affidavit in proof of public servant.— (1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the facts alleged in the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given.

An affidavit to be used before any Court other than High Court Division under this section may be sworn or affirmed in the manner prescribed in section 539, or before any Magistrate.

Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable ground to believe to be true, and in the latter case, the deponent shall clearly state the grounds of such belief.

(2) The Court may order any scandalous and irrelevant matter in an affidavit to be struck out or amended.

539B. Local inspection.— (1) Any Judge or Magistrate may at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection.

(2) Such memorandum shall form part of the record of the case. If the Public Prosecutor, complainant or accused so desires, a copy of the memorandum shall be furnished to him free of cost :

540. Power to summon material witness or examine person present.— Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

540A. Provision for inquiries and trial being held in the absence of accused in certain cases.— (1) At any stage of an inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Court, he may, if such accused is represented by an advocate, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(2) If the accused in any such case is not represented by an advocate, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.

541. Power to appoint place of imprisonment.— (1) Unless when otherwise provided by any law for the time being in force, the Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Removal to criminal jail of accused or convicted person who are in confinement in civil jail, and their return to the civil jail.-

(2) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

(3) When a person is removed to a criminal jail under subsection (2) he shall, on being released therefrom, be sent back to the civil jail, unless either -

(a) three years have lapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 58 of the Code of Civil Procedure, 1908 ; or

(b) the court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 58 of the Code of Civil Procedure, 1908.

542. [Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.] Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and II Schedule.

543. Interpreter to be bound to interpret truthfully.— When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

544. Expenses of complainants and witnesses.— Subject to any rules made by the Government, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

545. Power of Court to pay expenses or compensation out of fine.— (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied -

(a) in defraying expenses properly incurred in the prosecution;

(b) in the payment to any person of compensation for any loss or injury caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court;

(c) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, in compensating any bona fide purchaser, of such property for the loss of the same if such property is restored to the possession of the person entitled thereto.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

546. Payments to be taken into account in subsequent suit.—

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

546A. Order of payment of certain fees paid by complainant in non-cognizable cases.— (1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, may in addition to the penalty imposed upon him, order him to pay to the complainant -

(a) the fee (if any) paid on the petition of complaint or for the examination of the complainant, and

(b) any fees paid by the complainant for serving processes on his witnesses or on the accused,

and may further order that, in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days.

(2) An order under this section may also be made by an Appellate Court, or by the High Court Division, when exercising its powers of revision.

547. Moneys ordered to be paid recoverable as fines.— Any money (other than a fine) payable by virtue of any order made

under this Code, and the method of recovery of which is not otherwise expressly provided for shall be recoverable as if it were a fine.

548. Copies of proceedings.— If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of any order or deposition or other part of the record he shall, on applying for such copy, be furnished therewith :

Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

549. Delivery to military authorities of persons liable to be tried by Court-martial.— (1) The Government may make rules consistent with this Code and the Bangladesh Army Act, 1952 (XXXIX of 1952), the Bangladesh Air Force Act, 1953 (VI of 1953), and the Bangladesh Navy Ordinance, 1961 (XXXV of 1961), and any similar law for the time being in force as to the cases in which persons subject to military, naval or air force law, shall be tried by a Court to which the Code applies, or by Court-martial, and when any person is brought before a Magistrate and charged with an offence for which he is liable, to be tried either by a Court to which this Code applies or by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps, ship or detachment, to which he belongs, or to the commanding officer of the nearest military, naval or air-force station, as the case may be, for the purpose of being tried by Court-martial.

Apprehension of such persons. - (2) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of soldiers, sailors or airman stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

550. Powers to Police to seize property suspected to be stolen.— Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

551. Powers of superior officers of police.— Police officer superior in rank to an officer in charge of a police station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

552. Power to compel restoration of abducted female.— Upon complaint made to a Metropolitan Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of sixteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

553. [Compensation to persons groundlessly given in charge in presidency town]. Rep. by the Federal Laws (Revision and Declaration) Act. 1951 (XXVI of 1951), s. 3 and II Schedule.

554. Power of chartered High Court Division to make rules for inspection of records of subordinate courts.— (1) With the previous sanction of the Government, the Supreme Court may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of other High Court Division to make rules for other purposes.— (2) The Supreme Court may from time to time, and with the previous sanction of the Government,—

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(3) All rules made under this section shall be published in the official Gazette.

555. Forms.— Subject to the power conferred by section 554, and by Article 107 of the Constitution of the People's Republic of Bangladesh, the forms set forth in the fifth schedule, with such variation as the circumstances of each case require, may be used for the respective purpose therein mentioned, and if used shall be sufficient.

556. Case in which Judge or Magistrate is personally interested.— No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from this Court, try any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.— A Judge or Magistrate shall not be deemed a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

Illustration

A, as Collector, upon consideration of information furnished to him, directs the prosecution of B for a breach of the Excise Laws. A is disqualified from trying this case as a Magistrate.

557. Practicing Pleader not to sit as Magistrate in certain Courts.— No pleader who practises in the Court of any Magistrate in a district, shall sit as a Magistrate in such Court or in any Court within the jurisdiction of such Court.

558. Power to decide language of Courts.— The Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by it.

559. Provision for powers of Judges and Magistrates being exercised by their successors in office.— (1) Subject to the other provisions of this Code, the powers and duties of a Judge or Magistrate may be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, the Chief Metropolitan Magistrate or, as the case may be, the District Magistrate, shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Additional or Assistant Sessions Judge.

560. Officers concerned in sales not to purchase or bid for property.— A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

561. Special provision with respect to offence of rape by a husband.—(1) Notwithstanding anything in this Code, no Magistrate except the Chief Metropolitan Magistrate or a District Magistrate shall -

(a) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(b) send the man for trial for the defence.

(2) And, notwithstanding anything in this Code, if the Chief Metropolitan Magistrate or a District Magistrate deems it necessary to direct an investigation by a police officer, with respect to such an offence as is referred to in sub-section (1), no police officer of a rank below that of police inspector shall be employed either to make, or to take part in, the investigation.

561A. Saving of inherent power of High Court Division.— Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court Division to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

First Offenders

562, 563 and 564. — *Power of Court to release certain convicted offenders on probation of good conduct instead of sentencing to punishment. Conviction and release with admonition. Provision in case of offender failing to observe conditions of his recognizances. Conditions as to abode of offender. Rep. by the Probation of Offenders Ordinance, 1960 (XLV of 1960), s. 16.*

Previously convicted offenders

565. Order for notifying address of previously convicted offender.— (1) When any person having been convicted -

(a) by a Court in Bangladesh of an offence punishable under section 215, section 489A, section 489B, section 489C, or section 489D of the Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years or upwards, or is again convicted of any offence punishable under any of those sections or Chapter is with imprisonment for a term of three years or upwards by the High Court Division, Court of Session, Metropolitan Magistrate District Magistrate, Subdivisional Magistrate or Magistrate of the first class, such Court, or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of or absence from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The Government may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts.

(4) An order under this section may also be made by an Appellate Court or by the High Court Division when exercising its powers of revision.

(5) Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified by him as his place of residence is situated.

1
SCHEDULE II TO THE CRIMINAL PROCEDURE CODE
TABULAR STATEMENT OF OFFENCES

EXPLANATORY NOTE.—The entries in the second and seventh columns of this Schedule, headed respectively "Offence" and "Punishment under the Penal Code", are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, or even as abstracts of those sections, but merely as references to the subject of which is given in the first column.

CHAPTER V.—ABETMENT

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------|--|---|---|--|--|---|--|
| Section | Offence | Whether the police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance | Whether bailable or not | Whether compoundable or not. | Punishment under the Penal Code. | By what Court triable. |
| 109 | Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment. | May arrest without warrant if offence abetted may be made without warrant, but not otherwise. | According as a warrant or summons may issue for the offence abetted. | According as the offence abetted is bailable or not. | According as the offence abetted is compoundable or not. | The same punishment as for the offence abetted. | The Court by which the offence abetted is triable. |
| 110 | Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor. | May arrest without warrant if offence abetted may be made without warrant but not otherwise. | According as a warrant or summons may issue for the offence abetted. | According as the offence abetted is compoundable or not. | According as the offence abetted is compoundable or not. | The same punishment as for the offence abetted. | Ditto. |

* Substituted by Act III of 1933, S. 3 and 2nd Sch., as amended by Act LIII of 1974, for "Pakistan Penal Code"

** "Transportation for life" or "Transportation for life" wherever occurring in this Schedule III have been replaced by "Imprisonment" or "Imprisonment for life" in view of the amendment of the Penal Code in this regard vide Ordinance No. XLII of 1955 which came into force on 5-8-55.

*** The period of Imprisonment for life has been raised to thirty years from twenty years by the said Ordinance

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|---|--|--------------|--|--|--------|
| 111 | Abetment of any offence, when one act is abetted and a different act is done, subject to the proviso. | Ditto | Ditto | Ditto | Ditto | The same punishment for the offence intende to be abetted. | Ditto. |
| 113 | Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor. | Ditto | Ditto | Ditto | Ditto | The same punishment as for the offence committed. | Ditto |
| 114 | Abetment of any offence, if abettor is present when offence is committed. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 115 | Abetment of an offence, punishable with death or transportation for life, if the offence be not committed in consequence of the abetment. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 7 years and fine. | Ditto. |
| | If an act which causes harm be done in consequence of the abetment | May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise. | According as a warrant or summons may issue for the offence abetted. | Not bailable | According as the offence abetted is compoundable or not. | Imprisonment of either description for 14 years and fine. | Ditto. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|--|--|--|---|---|--------|
| 116 | Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment | Ditto. | Ditto. | According as the offence abetted is bailable or not. | Ditto. | Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both. | Ditto. |
| 117 | If the abettor or the person abetted be a public servant whose duty it is to prevent the offence. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both. | Ditto. |
| 117 | Abetting the commission of an offence by the public, or by more than ten persons. | May arrest without warrant if arrest for the offence abetted may be made without warrant but not other-wise. | According as a warrant or summons may issue for the offence abetted. | According as the offence abetted is bailable or not. | According as the offence abetted is compounable or not. | Imprisonment of either description for 3 years, or fine, or both. | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|--|--|--|--|---|--------|
| 118 | Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence be committed. If the offence be not committed. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 7 years and fine. | Ditto |
| 119 | A public servant concealing a design to commit, an offence which it is his duty to prevent, if the offence be committed. If the offence be punishable with death or transportation for life. If the offence be not committed. | Ditto | Ditto | Bailable | Ditto | Imprisonment of either description for 3 years and fine. Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both. | Ditto |
| | | Ditto | Ditto | According as the offence abetted is bailable or not. | Ditto | Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both. | Ditto |
| | | Ditto | Ditto | Not bailable. | Ditto | Imprisonment of either description for 10 years. | Ditto |
| | | May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise. | According as a warrant or summons may issue for the offence abetted. | bailable | According as the offence abetted is compoundable or not. | Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both. | Ditto. |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-------|-------|-------|--|-------|--|-------|
| 120 | Concealing a design to commit an offence punishable with imprisonment, if the offence be committed. | Ditto | Ditto | Ditto | According as the offence abetted is compoundable or not. | Ditto | Imprisonment extending to one eighth part of the longest term, and of the description, provided for the offence, or fine, or both. | Ditto |
| | If the offence be not committed. | Ditto | Ditto | Ditto | Bailable | Ditto | Imprisonment extending to one eighth part of the longest term, and of the description, provided for the offence, or fine, or both. | Ditto |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|---|--|--|------------------|------------------|---|--|
| 120B | Criminal conspiracy to commit an offence punishable with death, imprisonment or rigorous imprisonment for a term of two years or upwards. | May arrest without warrant if offence abetted may be made without warrant, but not otherwise. | According as a warrant or summons may issue for the offence which is the object of the conspiracy. | According as the offence which is the object of the conspiracy is bailable or not. | Not compoundable | Not compoundable | The same punishment as that provided for the abetment of the offence which is the object of the conspiracy. | Court by which the abetment of the offence which is a object of conspiracy is triable. |
| | Any other criminal conspiracy. | Shall not arrest without a warrant. | Summons | Bailable | Not compoundable | Not compoundable | Imprisonment of either description for six months or fine, or both. | 2 [Any Magistrate.] |

CHAPTER VL - OFFENCES AGAINST THE STATE

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|--|-----------------------------------|---------|--------------|-------------------|---|--|
| 121 | Waging or attempting to wage war, or abetting the waging of war, against Bangladesh. | Shall not arrest without warrant. | Warrant | Not bailable | Not compoundable. | Death, or imprisonment for life, and fine. | Court of Sessions |
| 121A | Conspiring to commit certain offences against the State. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life or any shorter term, or imprisonment of either description for 10 years and fine. | Ditto |
| 122 | Collecting arms, etc., with the intention of waging war against Bangladesh. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years and fine. | Ditto |
| 123 | Concealing with intent to facilitate a design to wage war. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by Government in that behalf. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|---|-------|-------|-------|-------|--|---|
| [123A | Condemnation of the State and advocacy of abolition of its sovereignty. | Ditto | Ditto | Ditto | Ditto | Rigorous imprisonment for 10 years, and fine. | Ditto. |
| 124 | Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class. |
| 124A | Sedition | Ditto | Ditto | Ditto | Ditto | Imprisonment for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine. | Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government] in that behalf. |
| 125 | Waging war against any Asiatic power in alliance or at peace with Bangladesh, or abetting the waging of such war. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life and fine, or imprisonment of either description for 7 years and fine, or fine | Court of Sessions. |
| 126 | Committing depredation on the territories of any Power in alliance or at peace with Bangladesh. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years and fine, and forfeiture of certain property. | 2[Metropolitan Magistrate or Magistrate of the first class.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|---------|---------------|------------------|--|--|
| 127 | Receiving property taken by war or deprecation mentioned in sections 125 and 126 | Shall not arrest without warrant. | Warrant | Not bailable | Not compoundable | Imprisonment of either description for 7 years and fine, and forfeiture of certain property. | Metropolitan Magistrate or Magistrate of the first class. |
| 128 | Public servant voluntarily allowing prisoner of State or war in his custody to escape. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 2[Court of Sessions]. |
| 129 | Public servant negligently suffering prisoner of State or war in his custody to escape. | Ditto | Ditto | Bailable | Ditto | Simple imprisonment for 3 years and fine. | 6[Metropolitan Magistrate or Magistrate of the first class.] |
| 130 | Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner. | Ditto | Ditto | Not bailable. | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | Court of Sessions. |

2. By Ordn. XXIV of 1982 ; w. e. f. 21 - 8 - 82

6. By Act. V of 1980 ; w. e. f. 30 - 11 - 79

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CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------|--------|---------------|--------|--|--|
| 131 | Abetting mutiny, or attempting to seduce an officer, soldier, sailor or airman from his allegiance or duty. | May arrest without warrant. | Ditto. | Not bailable. | Ditto. | Ditto. | Ditto. |
| 132 | Abetment of mutiny, if mutiny is committed in consequence thereof. | Ditto. | Ditto | Ditto | Ditto | Death or imprisonment for life or imprisonment of either description for 10 years, and fine. | Ditto |
| 133 | Abetment of an assault by an officer, soldier, sailor or airman on his superior officer, when in the execution of his office. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 6[Metropolitan Magistrate or Magistrate of the first class.] |
| 134 | Abetment of such assault, if the assault is committed. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 135 | Abetment of the description of an officer, soldier, sailor or airman. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |

2. *By Ordn. XXVII of 1982 ; w. e. f. 21 - 8 - 82*

6. *By Act II of 1980 ; w. e. f. 30 - 11 - 79*

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---|-----------------------------------|---------|-------|-------|--|--------------------|
| 136 | Harbouring such an officer, soldier sailor or airman, who has deserted. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 137 | Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof. | Shall not arrest without warrant. | Summons | Ditto | Ditto | Fine of 500 Taka | 2[Any Magistrate]. |
| 138 | Abetment of act of insubordination by an officer, soldier, sailor or airman if the offence be committed in consequence. | May arrest without warrant. | Warrant | Ditto | Ditto | Imprisonment of either for 6 months, or fine, or both. | Ditto |
| 140 | Wearing the dress or carrying any token used by a soldier, 2[sailor or airman] with intent that it may be believed that he is such a soldier, sailor or airman. | Ditto | Summons | Ditto | Ditto | Imprisonment of either for 3 months, or fine, of 500 taka or both. | Any Magistrate |
| CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY | | | | | | | |
| 143 | Being member of an unlawful assembly. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either for 6 months, or fine, or both. | Ditto |
| 144. | Joining an unlawful assembly armed with any deadly weapon. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either for 2 years, or fine, or both. | Ditto |
| 145 | Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|---|--|--|--|--|--|
| 147 | Rioting | Ditto | Ditto | Ditto | 2[Compoundable when permission is given by the Court before which the prosecution is pending.] | Ditto | 2[Any Magistrate]. |
| 148 | Rioting, armed with a deadly weapon. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 149 | If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence. | According as arrest may be made without warrant for the offence or not. | According as a warrant or summons may issue for the offence. | According as the offence is bailable or not. | 2[Not compoundable.] | The same as for the offence. | The court by which the offence is triable. |
| 150 | Hiring, engaging or employing persons to take part in an unlawful assembly. | May arrest without warrant. | According to the offence committed by the person hired, engaged or employed. | Ditto | Ditto | The same as for a member of such assembly, and for any offence committed by any member of such assembly. | Ditto |
| 151 | Knowingly joining of continuing in any assembly of five or more persons after it has been commanded to disperse. | Ditto | Summons | Bailable | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Any Magistrate. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|-----------------------------------|---------|--------------|-------|--|--|
| 152 | Assaulting or obstructing public servant when suppressing riot, etc. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 153 | Wantonly giving provocation with intent to cause riot, if rioting be committed. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine, or both. | Any Magistrate. |
| | If not committed. | Ditto | Summons | Ditto | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Ditto |
| 153A | Promoting enmity between classes. | Shall not arrest without warrant. | Warrant | Not bailable | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |
| 153B | Inducing students or institution interested in or connected with students to take part in any political activity. | May arrest without warrant. | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 154 | Owner or occupier of land not giving information of riot, etc. | Shall not arrest without warrant. | Summons | Bailable | Ditto | Fine of 1,000 taka | 2[Any Magistrate]. |

2. By Order, XVII of 1982: v. e. f. 21-8-82

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|----------|----------|---------------------|---|-------------------|
| 155 | Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it. | Shall not arrest without warrant. | Summons. | Bailable | 2[Not compoundable] | Fine | 2[Any Magistrate] |
| 156 | Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 157 | Harbouring persons hired for an unlawful assembly. | May arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for six months, or fine, or both. | Ditto. |
| 158 | Being hired to take part in an unlawful assembly or riot. Or to go armed. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 160 | Committing affray. | Shall not arrest without warrant. | Summons. | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. Imprisonment of either description for one month or fine of 100 Tk. or both. | Any Magistrate. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|----------|-------|-------|---|---|
| 166 | Public servant disobeying a direction of the law with intent to cause injury to any person. | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Simple imprisonment for 1 year, or fine, or both | 2[Any Magistrate.] |
| 167 | Public servant framing an incorrect document with intent to cause injury. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metroplitan Magistrate or Magistrate of the first or second class.] |
| 168 | Public servant, unlawfully engaging in trade. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 1 year or fine, or both | 2[Any Magistrate.] |
| 169 | Public servant unlawfully buying or bidding for property. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 3 years, or fine, or both and confiscation of property, if purchased. | 2[Any Magistrate.] |
| 170 | Personating a public servant. | May arrest without warrant. | Warrant. | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |
| 171 | Wearing garb or carrying token used by public servant with fraudulent intent. | Ditto | Summons. | Ditto | Ditto | Imprisonment of either description for 3 months, or fine of Taka 200 or both | Ditto |

CHAPTER IXA. OFFENCES RELATING TO ELECTIONS.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|--|-----------------------------------|---------|----------|--------------------|---|--------------------|
| 171E | Bribery | Shall not arrest without warrant. | Summons | Bailable | 2 Not Compoundable | Imprisonment of either year, or fine, or both or if treating only, fine only. | 2[Any Magistrate] |
| 171F | Undue influence and persuasion at an election. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either year, or fine, or both | Ditto. |
| 171G | False statement in connection with an elections. | Ditto. | Ditto. | Ditto. | Ditto. | Fine. | Ditto. |
| 171H | Illegal payments in connection with elections. | Ditto. | Ditto. | Ditto. | Ditto. | Fine of 500 Taka. | Ditto. |
| 171I | Failure to keep election accounts. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| CHAPTER X CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS | | | | | | | |
| 172 | Abstending to avoid service of summons or other proceeding from a public servant. | Ditto. | Ditto. | Ditto. | Ditto. | Simple Imprisonment for 1 month, or fine of 500 Taka, or both. | Ditto. |
| 173 | If summons or notice require attendance in person, etc. in a Court of Justice. | Ditto. | Ditto. | Ditto. | Ditto. | Simple Imprisonment for 6 months or fine of 1,000 Taka, or both | Ditto. |
| | Preventing the service or the affixing of any summons or notice or the removal of it when it has been affixed, or preventing a proclamation. | Ditto. | Ditto. | Ditto. | Ditto. | Simple Imprisonment for 1 month, or fine of 500 Taka, or both. | 2[Any Magistrate]. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|--------|--------|--------|--------|--------|---|---|
| If summons etc. require attendance in person, etc., in a court of Justice. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Simple Imprisonment for 6 months, or fine of 1,000 Taka, or both | Ditto. |
| 174 Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Simple Imprisonment for 1 month, or fine of 500 Taka, or both. | Ditto. |
| If the order require personal attendance, etc., in a court of Justice. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Simple Imprisonment for 6 months, or fine of 1,000 Taka, or both. | Ditto. |
| 175 Intentionally omitting to produce a document to a public servant by a person legally bound to produce, or deliver such document | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Simple imprisonment for 1 month, or fine of 500 Taka, or both. | The Court in which the offence is committed, subject to the provisions of Chapter XXXI, or if not committed in a Court, a Metropolitan Magistrate or Magistrate of the first or second class. |
| If the document is required to be produced in or delivered to a Court of Justice. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Simple imprisonment for 6 months or fine of 1,000 Tkak, or both. | Ditto. |

CHAPTER X. CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|----------|-----------|-----------------|--|--|
| 176 | Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information. | Shall not arrest without warrant. | Summons. | Bailable. | Not Compundable | Simple imprisonment for 1 month, or fine of 500 Taka, or both | 2[Any Magistrate.] |
| | If the notice or information required respects the commission of an offence etc. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine of 1,000 Taka, or both | Ditto |
| | If the notice or information is required by an Order passed under sub-section (1) of section 565 of this Code | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both. | Ditto |
| 177 | Knowingly furnishing false information to a public servant. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| | If the information required respects the commission of an offence, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |
| 178 | Refusing oath when duly required to take oath by a public servant. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine of 1000 Taka, or both. | The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Metropolitan Magistrate or Magistrate of the first or second class. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-------|---------|-------|-------|--|--|
| 179 | Being legally bound to state truth, and refusing to answer questions. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 180 | Refusing to sign a statement made to a public servant when legally required to do so. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 3 months, or fine of 500 taka, or both. | Ditto |
| 181 | Knowingly stating to a public servant on oath as true that which is false. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate of the first or second class.] |
| 182 | Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person. | Ditto | Summons | Ditto | Ditto | Imprisonment of either description for 6 months, or fine of 1,000 taka, or both. | 2[Any Magistrate] |
| 183 | Resistance to the taking of property by the lawful authority of a public servant. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 184 | Obstructing sale of property offered for sale by authority of a public servant. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 1 month, or fine of 500 taka, or both | 2 [Any Magistrate] |
| 185 | Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 1 month, or fine of 200 taka, or both | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|-------|-----------|------------------|--|-------------------|
| 186 | Obstructing public servant in discharge of his public functions. | Shall not arrest without warrant. | | Bailable. | Not Compounable. | Imprisonment of either description for 3 months, or fine of 500 taka, or both | Ditto |
| 187 | Oppression to assist public servant when bound by law to give such assistance. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 1 month, or fine of 200 taka, or both. | Ditto |
| | Willfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine of 500 taka, or both. | Ditto |
| 188 | Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed. | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 1 month, or fine of 200 taka or both. | 2[Any Magistrate] |
| | If such disobedience causes danger to human life, health or safety, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine of 1000 taka, or both | Ditto |
| 189 | Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine of both | Ditto |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---|-------|-------|----------|--------------|-------|---|--|
| 190 | Threatening any person to induce him to refrain from making a legal application for protection from injury. | Ditto | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine or both. | Ditto |
| CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE. | | | | | | | | |
| 193 | Giving or fabricating false evidence in a judicial proceeding. | Ditto | Ditto | Warrant. | Ditto | Ditto | Imprisonment of either description for 7 years, or fine or both. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| 194 | Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence. | Ditto | Ditto | Ditto | Bailable | Ditto | Imprisonment of either description for 3 years, and fine | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 195 | If innocent person be thereby convicted and executed. | Ditto | Ditto | Ditto | Not bailable | Ditto | Imprisonment for life, or rigorous imprisonment for 10 years, and fine. | Court of Session. |
| | Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life or with imprisonment for 7 years or upwards. | Ditto | Ditto | Ditto | Ditto | Ditto | Death, or as above | Ditto |
| | | | | | | | The same as for the offence. | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|----------|--|-------------------|---|--|
| 196 | Using in a judicial proceeding evidence known to be false or fabricated. | Shall not arrest without warrant. | Warrant. | According as offence of giving such evidence is bailable or not. | Not Compoundable. | The same as for giving or fabricating false evidence. | 1[Metropolitan Magistrate or Magistrate of the first class.] |
| 197 | Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence. | Ditto | Ditto | Bailable | Ditto | The same as for the giving false evidence. | Metropolitan Magistrate or Magistrate of the first class. |
| 198 | Using as a true certificate one known to be false in a material point. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 199 | False statement made in any declaration which is by law receivable as evidence. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 200 | Using as true any such declaration known to be false. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 201 | Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

2. By *ordin. XVII of 1982* : w. e. f. 21 - 8 - 826. By *Act II of 1980* : w. e. f. 30 - 11 - 79

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|--------|---------|-------|-------|---|--|
| | If punishable with imprisonment for life or imprisonment for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 9]Metropolitan Magistrate, or Magistrate of the first class, or second class.] |
| | If punishable with less than 10 years imprisonment. | Ditto. | Ditto | Ditto | Ditto | Imprisonment for a quarter of the term, and of the description, provided for the offence, or fine, or both. | Metropolitan Magistrate or Magistrate of the first class or Court by which the offence is triable. |
| 202 | Intentional omission to give information of an offence by a person legally bound to inform | Ditto | Summons | Ditto | Ditto | Imprisonment of either description for 6 months, or fine, or both. | 2]Any Magistrate.] |
| 203 | Giving false information respecting an offence committed. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |
| 204 | Secreting or destroying any document to prevent its production as evidence. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2]Any Magistrate.] |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-------|-------|-------|-------|-------|---|---|
| 205 | False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security. | Ditto | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first class or second class] |
| 206 | Fraudulent removal or concealment of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree. | Ditto | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate] |
| 207 | Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree. | Ditto | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate] |
| 208 | Fraudulently suffering a decree to pass for a sum not due, or suffering a decree to be executed after it has been satisfied. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto | 2[Any Magistrate] |
| 209 | False claim in a Court of Justice. | Ditto | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------|-------|-------|-------|---|---|
| 210 | Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |
| 211 | False charge of offence made with intent to injure. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| | If offence charged be punishable with imprisonment for 7 years or upwards. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| | If offence charged be capital, or punishable with imprisonment for life. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| 212 | Harbouring an offender, if the offence be capital. | May arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years, and fine. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| | If punishable with imprisonment for life, or with imprisonment for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| | If punishable with imprisonment for 1 year and not for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both. | Metropolitan Magistrate or Magistrate of the first class, or Court by which the offence is triable. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|----------|------------------|--|---|
| 213 | Taking gift, etc., to screen an offender from punishment, if the offence be capital. | May arrest without warrant. | Warrant | Bailable | Not compoundable | Imprisonment of either description for 7 years, and fine. | 7]Metropolitan Magistrate or Magistrate of the first class.] |
| | If punishable with imprisonment for life or with imprisonment for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2]Metropolitan Magistrate or Magistrate of the first or second class.] |
| | If with imprisonment for less than 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both | Metropolitan Magistrate or Magistrate of the first class, or Court by which the offence is triable. |
| 214 | Offering gift or restoration of property in consideration of screening offender, if the offence be capital. | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description, for 7 years, and fine. | Metropolitan Magistrate or Magistrate of the first class. |
| | If punishable with imprisonment for life, or with imprisonment for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | Ditto |

2. By order XVII of 1982, w. e. f. 21-8-82

7. By Act XXV of 1980, w. e. f. 23-8-80

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|----------------------------------|-------|-------|-------|---|---|
| | If with imprisonment for less than 10 years | Ditto | Ditto | Ditto | Ditto | Imprisonment for a quarter of the longest term and of the description provided for the offence, or fine, or both. | Metropolitan Magistrate or class, or Court by which the offence is triable.] |
| 215 | Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender. | May be arrested without warrant] | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, and fine. | 2[<u>Any Magistrate</u>] |
| 216 | Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital; | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 7[<u>Metropolitan Magistrate or Magistrate of the first class.</u>] |
| | If punishable with imprisonment for life, or with imprisonment for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, with or without fine. | 7[Ditto] |
| | If with imprisonment for 1 year and not for 10 years. | Ditto | Ditto | Ditto | Ditto | Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both. | Metropolitan Magistrate or Magistrate of the first class, or Court by which the offence is triable. |

2. By *ordn. XVII of 1982: n. e. f. 21-8-82*

By *Act. XXV of 1980: n. e. f. 23-8-80*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|-----------------------------------|---------|-------|-------|---|---|
| 216A | Harbouring robbers or dacoits | Ditto | Ditto | Ditto | Ditto | Rigorous imprisonment for 7 years and fine. | Metropolitan Magistrate or Magistrate of the first class. |
| 217 | Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture. | Shall not arrest without warrant. | Summons | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[<i>Any Magistrate.</i>] |
| 218 | Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[<i>Metropolitan Magistrate or Magistrate of the first or second class.</i>] |
| 219 | Public servant in a judicial proceeding corruptly making and pronouncing an order report, verdict or decision which he knows to be contrary to law. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, or fine, or both. | 2[<i>Metropolitan Magistrate or Magistrate of the first class.</i>] |
| 220 | Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, or fine or both. | 2[<i>Metropolitan Magistrate or Magistrate of the first class.</i>] |

| 29 | 3 | 4 | 5 | 6 | 7 | 8 | | | | | | | | |
|-----|---|---|---|-----------------------------------|---|---------|---|--------------|---|------------------|---|--|---|---|
| 221 | 2 | Intentional omission to apprehend on the part of a public servant bound by law to apprehend and offender, if the offence be capital. | 3 | Shall not arrest without warrant. | 4 | Warrant | 5 | Bailable | 6 | Not compoundable | 7 | Imprisonment of either description for 7 years, with or without fine. | 8 | 2[Metropolitan Magistrate or Magistrate of the first class]. |
| | | If punishable with imprisonment for life, or imprisonment for 10 years. | | Ditto | | Ditto | | Ditto | | Ditto | | Imprisonment of either description for 7 years, with or without fine. | | 2[Metropolitan Magistrate or Magistrate of the first class]. |
| | | If with imprisonment for less than 10 years. | | Ditto | | Ditto | | Ditto | | Ditto | | Imprisonment of either description for 2 years, with or without fine. | | 2[Any Magistrate]. |
| 222 | | Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of justice if under sentence of death. | | Ditto | | Ditto | | Not bailable | | Ditto | | Imprisonment for life, or imprisonment of either description for 14 years, with or without fine. | | 4[Chief Metropolitan Magistrate.] 3[District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.] |
| | | If under sentence of imprisonment for life, imprisonment for 10 years or upwards. | | Ditto | | Ditto | | Ditto | | Ditto | | Imprisonment of either description for 7 years, with or without fine. | | 2[Metropolitan Magistrate or Magistrate of the first class]. |

2. By Ordn. XVII of 1882; w. e. f. 21 - 8 - 82
3. By Ordn. LX of 1982; w. e. f. 30 - 12 - 82
4. By Ordn. II of 1983; w. e. f. 25 1 83

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|----------------------------------|---------|--------------|-------------------|---|--|
| | If under sentence of imprisonment for less than 10 years or lawfully committed to custody. | Shall not arrest without warrant | Warrant | Not bailable | Not compoundable. | Imprisonment of either description for 3 years, or fine or both | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 223 | Escape from confinement negligently suffered by a public servant. | Ditto | Summons | Ditto | Ditto | Simple imprisonment for 2 years, or fine, or both. | 2[Any Magistrate.] |
| 224 | Resistance or obstruction by a person to his lawful apprehension. | May arrest without warrant. | Warrant | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |
| 225 | Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine or both. | 2[Any Magistrate]. |
| | If charged with an offence punishable with imprisonment for life, or imprisonment for 10 years. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class]. |
| | If charged with a capital offence. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class]. |

2. By Ordn. XXIV of 1982 : w. e. f. 21 - 8 - 82

Ordinance XXIV of 1982 has shown Section 223 (fifth paragraph) as triable by C. M. M. D. M. or A. D. M. But this appears to be a mistake as the section contains no fifth paragraph.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|-----------------------------------|----------|----------|-------|--|---|
| | If the person is sentenced to imprisonment for life, or to imprisonment, or imprisonment for 10 years or upwards. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| | If under sentence of death. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, with or without fine. | 2[Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 225A | Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for - | | | | | | |
| (a) | in case of intentional omission or sufferance | Shall not arrest without warrant. | Ditto | Bailable | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class]. |
| (b) | in case of negligent omission or sufferance. | Ditto | Summons | Ditto | Ditto | Simple imprisonment for 3 years, or fine, or both. | 2[Any Magistrate] |
| 225B | Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for. | May arrest without warrant. | Warrant. | Ditto | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Ditto. |

2. By Ordn. XVII of 1982 : w. e. f. 21 - 8 - 82

4. By Ordn. II of 1983 : w. e. f. 25 / 83

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|---|-----------------------------------|---------|--------------|------------------|---|---|---|
| **226 | Unlawful return from imprisonment. | May arrest without warrant | Warrant | Not bailable | Not compoundable | Imprisonment for life, and fine, and rigorous imprisonment for 3 years before imprisonment. | 4[Chief Metropolitan Magistrate, 3[District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.] | |
| 227 | Violation of condition of remission of punishment. | Shall not arrest without warrant. | Summons | Ditto | Ditto | Punishment of original sentence, or, if part of the punishment has been undergone, the residue. | The Court by which the original offence was triable. | |
| 228 | Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding. | Ditto | Ditto | Bailable | Ditto | Simple imprisonment for 6 months, or fine of 1,000 or both. | The Court in which the offence is committed, subject to the provisions of Chapter XXXV. | |
| 229 | Personation of a juror or assessor. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] | |

2. By Ordn. XVII of 1982 : w. e. f. 21 - 8 - 82

3. By Ordn. LX of 1982 : w. e. f. 30 - 12 - 82

4. By Ordn. II of 1983 : w. e. f. 25 1 83

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------|---------|--------------|-------|--|--|
| 231 | Counterfeiting, or performing any part of the process of counterfeiting coin. | May arrest without warrant. | Warrant | Not bailable | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class]. |
| 232 | Counterfeiting, or performing any part of the process of counterfeiting Bangladesh coin. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 2[Chief Metropolitan Magistrate;] 3[District Magistrate or Additional District Magistrate or Magistrate specially empowered by the Government in that behalf.] |
| 233 | Making, buying or selling instrument for the purpose of counterfeiting coin. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class]. |
| 234 | Making, buying or selling instrument for the purpose of counterfeiting Bangladesh coin. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class]. |
| 235 | Possession of instrument or material for the purpose of using the same for counterfeiting coin. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class]. |

2. *By Ordn. XVII of 1982; w. e. f. 21-8-82*3. *By Ordn. L X of 1982; w. e. f. 30-12-82*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------------|--|----------|---------------|------------------|---|--|--|
| If Bangladesh coin | May arrest without warrant. | Warrant. | Not bailable. | Not compoundable | Imprisonment of either description for 10 years and fine. | 2[Court of Sessions. Chet Metropolitan Magistrate. District Magistrate or Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] | |
| 236 | Abetting in Bangladesh the counterfeiting out of Bangladesh of coin. | Ditto | Ditto | Ditto | Ditto | The punishment provided for abetting the counterfeiting of such coin within Bangladesh | 2[Court of Sessions]. |
| 237 | Import or export of counterfeit coin, knowing the same to be counterfeit. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class]. |
| 238 | Import or export of counterfeit of Bangladesh coin, knowing the same to be counterfeit. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years and fine. | Court of Sessions. |
| 239 | Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years and fine. | 7[Metropolitan Magistrate or Magistrate of the first or second class]. |

2. By Ordinance XXVII of 1982; w. e. f. 21-8-82

7. By Act. XXV of 1980; w. e. f. 23-8-80

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-------|-------|-------|-------|--|---|
| 240 | The same with respect to Bangladesh coin. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years. and fine. | 2[Court of sessions. Chief Metropolitan Magistrate. District Magistrate Additional Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 241 | Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both. | 2[Any Magistrate]. |
| 242 | Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|----------------------------|---------|--------------|------------------|---|--|
| 243 | Possession of Bangladesh coin by a person who knew it to be counterfeit when he became possessed thereof. | May arrest without warrant | Warrant | Not bailable | Not compoundable | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 244 | Person employed in a Mint causing coin to be of different weight or composition from that fixed by law. | Ditto | Ditto | Ditto | Ditto | Ditto | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 245 | Unlawfully taking from a Mint any coining instrument. | Ditto | Ditto | Ditto | Ditto | Ditto | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 246 | Fraudulently diminishing the weight or altering the composition of any coin | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 247 | Fraudulently diminishing the weight or altering the composition of Bangladesh coin. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | Metropolitan Magistrate or Magistrate of the first class. |
| 248 | Altering appearance of any coin with intent that it shall pass as a coin of a different description. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

2. By Ordn. XXV of 1982; w. e. f. 21-8-82

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-------|-------|-------|-------|--|--|
| 249 | Altering appearance of Bangladesh coin with intent that it shall pass as a coin of a different description. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | Ditto |
| 250 | Delivery to another of coin possessed with the knowledge that it is altered. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years, and fine. | Ditto |
| 251 | Delivery of Bangladesh coin possessed with the knowledge that it is altered. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2]Court of Sessions, Chief Metropolitan Magistrate, District Magistrate Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 252 | Possession of altered coin by a person who knew it to be altered when he became possessed thereof. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | 2]Metropolitan Magistrate or Magistrate of the first class.] |
| 253 | Possession of Bangladesh coin by a person who knew it to be altered when he became possessed thereof. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years, and fine. | Ditto. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
|-----|---|----------------------------|----------|--------------|------------------|---|---|
| 254 | Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered. | May arrest without warrant | Warrant. | Not bailable | Not compoundable | Imprisonment of either description for 2 years, or fine of ten times the value of the coin. | 2[<u>Any Magistrate</u>] |
| 255 | Counterfeiting Government stamp. | Ditto | Ditto | Bailable | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 4[<u>Chief Metropolitan Magistrate.</u>]2[<u>District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.</u>] |
| 256 | Having possession of an instrument or material for the purpose of counterfeiting a Government stamp. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[<u>Metropolitan Magistrate or Magistrate of the first class.</u>] |
| 257 | Making, buying or selling instrument for the purpose of counterfeiting a Government stamp. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[<u>Metropolitan Magistrate or Magistrate of the first class.</u>] |
| 258 | Sale of counterfeit Government stamp. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |

2. *By Ordin. XXIV of 1982 : v. e. f. 21-8-82.*4. *By Ordin. II of 1983 : v. e. f. 25/1/83*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|--|-------|-------|-------|-------|---|--|
| 259 | Having possession of counterfeit Government stamp | Ditto | Ditto | Ditto | Ditto | Ditto | 7[Ditto]. |
| 260 | Using as genuine a Government stamp known to be counterfeit. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 7[Ditto] |
| 261 | Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 7[Ditto]. |
| 262 | Using a Government stamp known to have been before used. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate] |
| 263 | Erasure of mark denoting that stamp has been used. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 263A | Fictitious stamps | Ditto | Ditto | Ditto | Ditto | Fine of 200 taka | 2 [Any Magistrate] |

2. By *Ordin. XVII of 1982* : w. e. f. 21-8-82
 7. By *Act. XXX of 1980* : w. e. f. 23-8-80

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

| 1 | 3 | 4 | 5 | 6 | 7 | 8 | |
|-----|--|-----------------------------------|---------|----------|------------------|---|-------------------|
| 264 | Fraudulent use of false instrument for weighing. | Shall not arrest without warrant. | Summons | Bailable | Not compoundable | Imprisonment of either description for 1 years, or fine, or both. | 2[Any Magistrate] |
| 265 | Fraudulent use of false weight or measure. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 266 | Being in possession of false weights or measures for fraudulent use. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 267 | Making or selling false weights or measures for fraudulent use. | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

| | | | | | | | |
|-----|--|-----------------------------|-------|-------|-------|--|-------------------|
| 269 | Negligently doing any act known to be likely to spread infection of any disease dangerous to life. | May arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine, or both. | 2[Any Magistrate] |
| 270 | Malignantly doing any act known to be likely to spread infection of any disease dangerous to life. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|----------------------------------|--------|--------|--------|--|-----------------|
| 271 | Knowingly disobeying any quarantine rule. | Shall not arrest without warrant | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine, or both | Ditto. |
| 272 | Adulterating food or drink intended for sale, so as to make the same noxious. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 6 months or fine of 1,000 Taka, or both. | Any Magistrate. |
| 273 | Selling any food or drink as food and drink, knowing the same to be noxious. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| 274 | Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| 275 | Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both. | Ditto. |
| 276 | Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|----------|-----------|-------------------|--|---|
| 277 | Defiling the water of a public spring or reservoir. | May arrest without warrant. | Summons. | Bailable. | Not compoundable. | Imprisonment of either description for 3 months, or fine of 500 taka, or both. | Ditto. |
| 278 | Making atmosphere noxious to health. | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Fine of 500 taka | Ditto |
| 279 | Driving or riding on a public way so rashly or negligently as to endanger human life, etc. | May arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 1[3 years] or fine which may, subject to the minimum of 1[1,000 taka, extend to 5,000 taka, or both.] | Ditto. |
| 280 | Navigating any vessel so rashly or negligently as to endanger human life, etc. | Ditto | Ditto | Ditto | Ditto. | Imprisonment of either description for 3 years, or fine which may, subject to the minimum of 1,000 taka, extend to 5,000 taka, or both. | Metropolitan Magistrate or Magistrate of the first or second class. |
| 281 | Exhibition of a false light, mark or buoy. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for 7 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first class.] |

1. Subs by Ordn. No. IX of 1982 for "6 months" and "1,000 Taka."

2. By Ordn. XXIV of 1982; w. e. f. 21 - 8 - 82

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|-------|-------|--|--------------------|
| 282 | Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life. | Ditto | Summons | Ditto | Ditto | Imprisonment of either description for 6 months, or fine of 1000 taka. | 2[Any Magistrate.] |
| 283 | Causing danger, obstruction or injury in any public way or line of navigation. | Ditto | Ditto | Ditto | Ditto | Fine of 200 taka. | Ditto |
| 284 | Dealing with any poisonous substance so as to endanger human life, etc. | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine or 1000 taka, or both. | Any Magistrate. |
| 285 | Dealing with fire or any combustible matter so as to endanger human life, etc. | May arrest without warrant. | Ditto | Ditto | Ditto | Ditto | Ditto |
| 286 | So dealing with any explosive substance. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both. | Ditto |
| 287 | So dealing with any machinery. | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Ditto | 2[Any Magistrate.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|----------|-----------|-------------------|--|--|
| 288 | A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it. | Shall not arrest without warrant. | Summons. | Bailable. | Not compoundable. | Imprisonment of either description for 6 months or fine of 1,000 Taka or both. | Any Magistrate |
| 289 | A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal. | May arrest without warrant. | Ditto | Ditto | Ditto | Ditto | Ditto |
| 290 | Committing a public nuisance. | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Fine of 200 taka | Ditto |
| 291 | Continuance of nuisance after injunction to discontinue. | May arrest without warrant. | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine, or both. | 2[Any Magistrate]. |
| 292 | Sale, etc., of obscene books, etc. | Ditto | Ditto | Warrant | Ditto | Imprisonment of either description for 3 months, or fine or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

2. By *Ordin. XVII of 1982*; w. e. f. 21 - 8 - 82

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|--|-----------------------------------|----------|-------|-------|---|---------------------|
| 293 | Sale, etc. of obscene objects to young persons. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months. or fine or both. | 2[Any Magistrate] |
| 294 | Obscene songs. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months. or fine or both. | 2[Any Magistrate] |
| 294A | Keeping a lottery office | Shall not arrest without warrant. | Summons. | Ditto | Ditto | Imprisonment of either description for 3 months. or fine or both. | Ditto |
| | Publishing proposals relating to lotteries. | Ditto | Ditto | Ditto | Ditto | Fine of 1,000 taka | Ditto |
| 1 294B | Offering of prize in connection with trade, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 6 months, or fine or both. | Ditto. |
| CHAPTER XV. OFFENCES RELATING TO RELIGION. | | | | | | | |
| 295 | Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons. | May arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2 [Any Magistrate.] |

1. *Ins. by Ordn IX of 1982 : w. e. f. 15 - 6 - 82*

2. *By Ordn. XXIV of 1982 : w. e. f. 21 - 8 - 82*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|-----------------------------------|----------|--------------|-------------------|---|--------------------|
| 295A | Maliciously insulting the religion or the religious beliefs of any class. | Shall not arrest without warrant. | Warrant | Not bailable | Not compoundable. | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |
| 296 | Causing a disturbance to an assembly engaged in religious worship. | May arrest without warrant. | Summons. | Bailable | Ditto | Imprisonment of either description for 1 year, or fine, or both. | 2[Any Magistrate.] |
| 297 | Trespassing in place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine, or both. | 2[Any Magistrate.] |
| 298 | Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling. | Shall not arrest without warrant. | Ditto | Ditto | Compoundable | Ditto | Ditto |

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY - OF OFFENCES AFFECTING LIFE.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------|--|-----------------------------|----------|---------------|------------------|--|---|
| 302 | Murder. | May arrest without warrant. | Summons. | Not Bailable. | Not compundable. | Death, or imprisonment for life and fine. | Court of Sessions. |
| 303 | Murder by a person under sentence of imprisonment for life. | Ditto | Ditto | Ditto | Ditto | Death | Ditto |
| 304 | Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| | If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, or fine, or both. | Ditto |
| 304A | Causing death by rash or negligent act. | Ditto | Ditto | Bailable | Ditto | Imprisonment of either description for [5 years, or fine, or both. | 1[Ditto.] |
| 1[304B | Causing death by rash driving or riding on a public way. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 11[3 years], or fine, or both. | 8[Metropolitan Magistrate or Magistrate of the first class] |

1. Amended by ordn. IX of 1982; w. e. f. 15 - 6 - 82. Column 7 of Section 304A has been amended by substituting the words "5 years" for the words "2 years".

* Section 304B has been inserted by ordinance No. IX of 1982 with effect from 15 - 6 - 82.

Originally the term of imprisonment was 14 years and the offence was not bailable. Later the term of imprisonment has again been reduced to 3 years vide ordinance No. XLIX of

made bailable by ordinance No. XXII of 1984 with effect from 20 3 - 84. Now, the period of imprisonment has again been reduced to 3 years vide ordinance No. XLIX of

1985 with effect from 8 - 10 - 85

8. By Ordn. XXII of 1984; w. e. f. 20 - 84.

11 By Ordn. XLIX of 1985; w. e. f. 8 - 10 85.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------|----------|--------------|-----------------|--|---|
| 305 | Abetment of suicide committed by a child, or insane or delirious person or an idiot, or a person intoxicated. | May arrest without warrant. | Warrant. | Not Bailable | Not Compundable | Death, or imprisonment for life, or imprisonment for 10 years, and fine. | Court of Sessions. |
| 306 | Abetting the commission of suicide. | May arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Session, Chief Metropolitan Magistrate, District Magistrate Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 307 | Attempt to murder. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 10 years, and fine. | 2[Court of Session, Chief Metropolitan Magistrate, District Magistrate Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|---|-------|-------|-------|-------|---|---|
| | | If such act cause hurt to any person. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or as above. | 4[Chief Metropolitan Magistrate,] 3[District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.] |
| | | Attempt by life convict to murder, if hurt is caused. | Ditto | Ditto | Ditto | Ditto | Death or as above | 3[Court of Sessions] |
| 308 | | Attempt to commit culpable homicide. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| | | If such act cause hurt to any person. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, or fine, or both. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 309 | | Attempt to commit suicide | Ditto | Ditto | Ditto | Ditto | Simple Imprisonment for one year, or fine, or both. | Metropolitan Magistrate or Magistrate of the first or second class. |

2. By Ordn. XXIV of 1982 : w. e. f. 21 - 8 - 82

3. By Ordn. LX of 1882 : w. e. f. 30 - 12 - 82

4. By Ordn. IV of 1983 : w. e. f. 23 - 1 - 83.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--------------|----------------------------|----------|---------------|------------------|----------------------------------|--|
| 311 | Being a thug | May arrest without warrant | Warrant. | Not bailable. | Not compoundable | Imprisonment for life, and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.] |

Of the Causing of Miscarriage; Of Injuries to Unborn Children, of the Exposure of Infants: and of the Concealment of Births

| | | | | | | | |
|-----|----------------------------------|-----------------------------------|-------|----------|-------|---|---|
| 312 | Causing miscarriage. | Shall not arrest without warrant. | Ditto | Bailable | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| | If the woman be quick with child | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 and fine: | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

2. By Ordn. XXIV of 1982; w. e. f. 21 - 8 - 82

3. By Ordn. LX of 1882; w. e. f. 30 - 12 - 82

4. By Ordn. IV of 1983; w. e. f. 25 - 1 - 83.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|--------|-------|--------------|-------|--|---|
| 313 | Causing miscarriage without woman's consent. | Ditto | Ditto | Not bailable | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 2[Court of Sessions.] |
| 314 | Death caused by an act done with intent to cause miscarriage. | Ditto. | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate] District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| | If act done without Woman's consent. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, or as above. | 2[Court of Session]. |
| 315 | Act done with intent to prevent a child being born alive, or to cause it to die after its birth. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 10 years, or fine, or both. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------------|---|-----------------------------------|---------|---------------|---|--|--|
| 316 | Causing death of a quick unborn child by an act amounting to culpable homicide. | Shall not arrest without warrant. | Warrant | Not Bailable. | Not Compoundable | Imprisonment of either description for 10 years. and fine. | Ditto |
| 317 | Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it. | May arrest without warrant | Ditto. | Ditto. | Ditto | Imprisonment of either description for 7 years. or fine. or both. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 318 | Concealment of birth by secret disposal of dead body. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years. or fine. or both. | 2[Any Magistrate]. |
| OF HURT | | | | | | | |
| 323 | Voluntarily causing hurt. | Shall not arrest without warrant. | Summons | Ditto | Compoundable. | Imprisonment of either description for 1 year. or fine of 1000 taka or both. | Any Magistrate. |
| 324 | Voluntarily causing hurt by dangerous weapons or means. | May arrest without warrant | Ditto | Ditto | Compoundable when permission is given by the Court before which a prosecution is pending. | Imprisonment of either description for 3 years. or fine. or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------|---|-------|---------|--------------|-------------------|--|---|
| 325 | Voluntarily causing grievous hurt | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| 326 | Voluntarily causing grievous hurt by dangerous weapons or means. | Ditto | Ditto | Not bailable | Not compoundable. | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 9[326 A] | Voluntarily causing grievous hurt in respect of both eyes, head or face by means of corrosive substance. | Ditto | Warrant | Ditto | Ditto | Death or imprisonment for life, and fine. | Court of Sessions] |
| 327 | Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence. | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

2. By Ordn. XXII of 1982 : w. e. f. 21 - 8 - 82

3. By Ordn. LX of 1982 : w. e. f. 30 - 12 - 82

4. By Ordn. IV of 1988 : w. e. f. 25 - 1 - 83

7. By Act XXX of 1980 : w. e. f. 23 - 8 - 80

9. By Ordn. LXX of 1984 : w. e. f. 1 - 12 - 84

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------|----------|---------------|-------------------|--|---|
| 328 | Administering stupefying drug with intent to cause hurt. etc. | May arrest without warrant. | Warrant | Not bailable. | Not compoundable. | Imprisonment of either description for 10 years and fine. | 2[Court of Session, Chief Metropolitan Magistrate] District Magistrate. Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] Court of Sessions. |
| 329 | Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence. | Ditto. | Warrant. | Ditto | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | Court of Sessions. |
| 330 | Voluntarily causing hurt to extort confession or information or to compel restoration of property, etc. | Ditto | Ditto | Bailable | Ditto | Imprisonment of either description for 7 years, and fine. 2[Metropolitan Magistrate or Magistrate of the first class.] | 2[Metropolitan Magistrate or Magistrate of the first class. |
| 331 | Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property etc. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Session, Chief Metropolitan Magistrate.] District Magistrate or Additional District Magistrate. Magistrate of the first class specially empowered by the Government in that behalf.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|--------------|-------------|--|--|
| 332 | Voluntarily causing hurt to deter public servant from his duty. | Ditto | Ditto | Bailable | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 333 | Voluntarily causing grievous hurt to deter public servant from his duty. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 334 | Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation. | Shall not arrest without warrant. | Summons | Bailable | Compounable | Imprisonment of either description for 1 month, or fine of 500 Taka or both. | Any Magistrate. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------|---------|-----------|--|---|--|
| 335 | Causing grievous hurt on grave and sudden provocation not intending to hurt any other than the person who gave the provocation. | May arrest without warrant. | Summons | Bailable. | Compoundable when permission is given by the Court before which a prosecution is pending. | Imprisonment of either description for 4 years, or fine of 2000 Taka or both. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 336 | Doing any act which endangers human life or the personal safety of others. | Ditto | Ditto | Ditto | 2[Compoundable when permission is given by the Court before which a prosecution is pending.] | Imprisonment of either description for 3 months, or fine of 250 Taka or both. | Any Magistrate |
| 337 | Causing hurt by an act which endangers human life, etc. | Ditto | Ditto | Ditto | Compoundable when permission is given by the Court before which a prosecution is pending. | Imprisonment of either description for 6 months, or fine of 500 Taka or both. | 2[Any Magistrate] |

2. By Ordn. XXVII of 1982 : w. e. f. 21 - 8 - 82

** Section 336 was not compoundable but it has been made compoundable with permission of the Court (Column 6)

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|--|--------|----------|-----------|---|--|--|
| 338 | Causing grievous hurt by an act which endangers human life, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine of 1[5000 Taka] or both. | Ditto |
| 1[338A] | Causing grievous hurt by rash driving or riding on a public way. | Ditto | Warrant | 8[Ditto] | Not compoundable | Imprisonment of either description for 1[2]years, or fine or both. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| Of Wrongful Restraint and Wrongful Confinement | | | | | | | |
| 341 | Wrongfully restraining any person | Ditto. | Summons. | Bailable. | compoundable. | Simple imprisonment for 1 month, or fine of 500 taka, or both. | Any Magistrate. |
| 342 | Wrongfully confining any person. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine of 1,000 taka, or both. | 2 [Any Magistrate.] |
| 343 | Wrongfully confining for three or more days. | Ditto | Ditto | Ditto | Compoundable when permission is given by the Court before which a prosecution is pending. | Imprisonment of either description for 2 years, or fine or both. | Ditto. |

1. Subs and Ins. by Ord'n. IX of 1982 : w. e. f. 15 - 6 - 82

2. By Ord'n. XXII of 1982 : w. e. f. 21 - 8 - 82

** Column 7 of section 338 has been amended by substituting "5,000 Taka" for "1,000 Taka".

* Section 338A is a new insertion by ordinance IX of 1982. Originally the period of imprisonment was 7 years, and the offence was not bailable. Later, the term of imprisonment was reduced to 5 years and the offence had been made bailable by ordinance No. XXII of 1984 with effect from 20 - 3 - 84.

The term of imprisonment has again been reduced to 2 years vide ordinance No. XLIX of 1985 with effect from 8 - 10 - 85.

8. Subs by Ord'n. XXII of 1984 : w. e. f. 20 - 3 - 84.

11 By Ord'n. XLIX of 1985 : w. e. f. 8 - 10 - 85.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|----------|---|--|--|
| 344 | Wrongfully confining for 10 or more days. | May arrest without warrant. | Summons | Bailable | Ditto. | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 345 | Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation. | Shall not arrest without warrant. | Ditto | Ditto | Not compoundable. | Imprisonment of either description for 2 years, in addition to imprisonment under any other section. | 2[Any Magistrate]. |
| 346 | Wrongful confinement in secret. | May arrest without warrant. | Ditto | Ditto | Compoundable when permission is given by the Court before which a prosecution is pending. | Ditto | Ditto |
| 347 | Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc. | Ditto | Ditto | Ditto | 2[Compoundable when permission is given by the Court before which a prosecution is pending. | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

2. By Ordinance XXVII of 1982; w. e. f. 21 - 8 - 82
 Section 347 was "Not Compoundable"

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|-----------------|--|---|--|
| 348 | Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc. | Ditto | Ditto | Ditto | 2[Compoundable when permission is given by the Court before which a prosecution is pending.] | Imprisonment of either description for 3 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 352 | Assault or use of criminal force otherwise than on grave provocation. | Shall not arrest without warrant. | Ditto | Ditto | Compoundable | Imprisonment of either description for 3 months, or fine of 500 taka or both. | Any Magistrate. |
| 353 | Assault or use of Criminal force to deter a public servant from discharge of his duty. | May arrest without warrant | Warrant | 1[Not bailable] | Not compoundable. | Imprisonment of either description for 1[3] years, or fine, or both. | Metropolitan Magistrate or Magistrate of the first or second class. |
| 354 | Assault or use of Criminal force to a woman with intent to outrage her modesty. | Ditto | Ditto | Bailable. | Compoundable when permission is given by the Court before which a prosecution is pending. | 1[Imprisonment of either description for 2 years, or fine, or both.] | Ditto |

1. Subs: by Ordn. IX of 1982: w. e. f. 15-6-82

Section 353 was "Bailable" and in column 7.

Punishment was "2 years" imprisonment.

* Section 354 remained "Bailable" as before

2. Subs: by ordn. XXII of 1982: w. e. f. 21-8-82

Section 348 was "Not compoundable."

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|---------|--------------|---|---|--|
| 355 | Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation. | Shall not arrest without warrant. | Summons | Bailable | Compoundable | Ditto | Metropolitan Magistrate of the first or second class |
| 356 | Assault or criminal force in attempt to commit theft of property worn or carried by a person. | May arrest without warrant. | Warrant | Not bailable | [Compoundable when permission is given by the Court before which a prosecution is pending.] | Imprisonment of either description for 2 years, or fine, or both. | Any Magistrate |
| 357 | Assault or use of criminal force in attempt wrongfully to confine a person. | Ditto | Ditto | Bailable | Compoundable when permission is given by the Court before which a prosecution is pending | Imprisonment of either description for 1 year, or fine of 1,000 taka or both. | Ditto. |
| 358 | Assault or use of criminal force on grave and sudden provocation. | Shall not arrest without warrant. | Summons | Bailable | Compoundable | Simple imprisonment for 1 month, or fine of 200, taka, or both. | Any Magistrate. |

¹ Sub by Ord. XXV of 1982, w. e. f. 21-8-82
Section 356 was "Not compoundable."

Of Kidnapping, Abduction, Slavery and Froeced Labour

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------|--|---|-----------------------------|---------|---------------|-------------------|---|--|
| 363 | Kidnapping. | | May arrest without warrant. | warrant | Bailable. | Not compoundable. | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 364 | Kidnapping or abducting in order to murder | | Ditto | Ditto | Not bailable. | Ditto | Imprisonment for life or rigorous imprisonment must for 10 years, and fine. | Court of Sessions. |
| 1[364A] | Kidnapping or abducting a person under the age of ten. | | Ditto | Ditto | Ditto | Ditto | Death, imprisonment for life, or rigorous imprisonment for 14 years, but not less than 7 years. | Ditto |
| 365 | Kidnapping or abducting with intent secretly and wrongfully to confine a person. | | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |

1. Ins. by Ordn. IX of 1982; w. e. f. 15 - 6 - 82

Section 364A is a new insertion.

2. Subs. by Ordn. XXII of 1982; w. e. f. 21 - 8 - 82

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|--|-----------------------------|----------|---------------|------------------|--|---|
| 366 | Kidnapping or abducting a woman to compel her marriage or to cause her defilement. etc | May arrest without Warrant. | Warrant. | Not bailable. | Not Compoundable | Imprisonment of either description for 10 years. and fine. | 2]Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 366A | Procuration minor girl. | May arrest without warrant. | Warrant. | Not bailable. | Not compoundable | Imprisonment of either description for 10 years. and fine. | 2]Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf. |
| 366B | Importation of girl from foreign country. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| 367 | Kidnapping or abducting in order to subject a person to grievous hurt, slavery. etc. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|----------|--------------|-------|--|---|
| 368 | Concealing or keeping in confinement a kidnapped person | May arrest without warrant. | Warrant. | Ditto | Ditto | Punishment for kidnapping or abduction. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 369 | Kidnapping or abducting a child with intent to take property from the person of such child | Ditto. | Ditto. | Ditto. | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 370 | Buying or disposing of any person as a slave. | Shall not arrest without warrant. | Ditto | Bailable | Ditto | Ditto | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 371 | Habitual dealing in slaves. | May arrest without warrant. | Ditto | Not bailable | Ditto | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|----------|---------------|-------------------|---|--|
| 372 | Selling or letting to hire a minor for purposes of prostitution, etc. | May arrest without warrant. | Warrant. | Not bailable. | Not compoundable. | Imprisonment of either description for 10 years, and fine. | 2[Court of Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government, in that behalf.] |
| 373 | Buying or obtaining possession of a minor for the same purposes. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| 374 | Unlawful compulsory labour. | Shall not arrest without warrant. | Ditto | Bailable | Compoundable | Imprisonment of either description for 1 year, or fine or both. | Any Magistrate. |

Of Rape

| | | | | | | | |
|-----|---|-------|----------|-------|-------------------|---|--|
| 376 | Rape. If the sexual intercourse was by a man with his own wife not being under 12 years of age. | Ditto | Summons. | Ditto | Not compoundable. | Imprisonment of either description for 2 years, or fine, or both. | 6[Chief Metropolitan Magistrate or District Magistrate.] |
|-----|---|-------|----------|-------|-------------------|---|--|

2. By *Ordin. XXIV of 1982*; w. e. f. 21 - 8 - 82.

* Section 376 of the penal code was entered into the schedule of the *Special Powers Act, 1974* as paragraph 4c vide the *Cruelty to Women (Deterrent Punishment Ordinance, 1983 with effect from 3.10.83. But paragraph 4c as well as the Cruelty to Women (Deterrent Punishment) ordinance, 1983 have been omitted and repealed respectively vide Section 28 and 29 of the Nrari-0-Shishu Nirjtan (Bishesh Bidhan) Am, 1995 (Act 18 of 1995), with effect from 17.7.95 and the offences of "RAPE" have been brought under this Aim (Act 18 of 1995).*

So, section 376 is now triable by the special court constituted under the Aim (Act 18 of 1995).

6. By *Act IV of 1980*; w. e. f. 30 - 11 - 79

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------------------------|---|---|-----------------------------|----------|---------------|--|--|---|
| | | If the sexual intercourse was by a man with his own wife being under 12 years of age. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |
| | | In any other case | May arrest without warrant. | Warrant. | Not bailable. | Not compoundable | Ditto. | Ditto. |
| Of unnatural offences | | | | | | | | |
| 377 | | Unnatural offences | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | 4[Chief Metropolitan Magistrate,] 3[District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 379 | | Theft. 3[omitted] | May arrest without warrant. | Warrant. | Not bailable. | 2[Compoundable when permission is given by the Court before which the prosecution is pending.] | Imprisonment of either description for 3 years, or fine or both. | Any Magistrate. |

**CHAPTER XVII.—OFFENCES AGAINST PROPERTY
Of Theft**

2. By Ordn. XXIV of 1982 ; w. e. f. 21 - 8 - 82
 3. Amended by Ordn. LX of 1982 ; w. e. f. 30 - 12 - 82. In Column 2 of section 379 the words "where value of the property, stolen does not exceed Taka five hundred" has been omitted.
 4. Ins. by ordn. IV of 1983 ; w. e. f. 23 - 1 - 83.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|------------------------------|---------|---------------|--|--|--|
| 380 | Theft in a building, tent or vessel. | May arrest with out warrant. | Warrant | Not bailable. | 2[Compoundable when permission is given by the Court before which the prosecution is pending.] | Imprisonment of either description for 7 years, or fine or both. | 6[Ditto.] |
| 381 | Theft by clerk or servant of property in possession of master or employer. | Ditto. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 7 years, or fine or both. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| 382 | Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it. | Ditto | Ditto | Ditto | Not compoundable. | Rigorous imprisonment for 10 years, and fine. | 6[Court of Session.] |

2. *By Ordn. XVII of 1982* : w. e. f. 21 - 8 - 82

6. *By Act IV of 1980* : w. e. f. 30 - 11 - 79.

7. *By Act XXV of 1980* : w. e. f. 23 - 8 - 80

Of Extortion

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|---------------------------------------|-----------|--------------|-------------------|--|---|
| 384 | Extortion | Shall not arrest without warrant. | Ditto. | Bailable. | Not compoundable | Imprisonment of either description for 3 years, or fine or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 385 | Putting or attempting to put in fear of injury, in order to commit extortion. | 14[May arrest without warrant] | Warra nt. | Bailable. | Not compoundable. | Imprisonment of either description for 2 years, or fine or both. | 2[Any Magistrate.] |
| 386 | Extortion by putting a person in fear of death or grievous hurt. | 14[Shall not arrest without warrant.] | Ditto | Not bailable | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|--------------------------------|-------|----------|------------------|--|---|
| 387 | Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion. | 14[May arrest without warrant] | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| <p>Note : Sections 385 and 387 of the Penal Code have been amended by greatly enhancing the punishment vide Act 15 of 1991 with effect from 4.5.91 (This amendment first came by Ordinance No. 29 of 1990 with effect from 24.12.90). By the amendment the term of imprisonment has been raised to "fourteen years" from two years" and to "life imprisonment from " seven years" with condition that punishment shall not be less than "five years" and "Seven years" of imprisonment respectively.</p> <p>It goes without saying that forum for trial varies with the variation of punishment . Initially, along with the enhancement of punishment the sections were inserted into the schedule of the Special Powers Act. 1974 as paragraph 4c. But this paragraph 4c has been omitted from the schedule to the Special Powers Act recently with effect from 17.7.95 by section 28 of the Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995 and as such the section appear to have gone back to their parent enactment, i.e. the Penal Code for their trial.</p> <p>But though the punishment under the sections has exorbitantly been increased with a view to meet the rampant commission of the offences yet the forum for trial as shown in column 8 of schedule II of the Cr. P. C. has not been changed. As such the Magistrates who are competent to try an offence punishable upto five years imprisonment or upto ten years imprisonment when specially empowered cannot try the offences and if they so try the trial will be vitiated for want of jurisdiction. So, in my opinion, the offences are now triable by the courts of sessions. But schdulle II of the Cr. P. C. need immediate amendment not only of column 8 but also of other relevant columns.</p> | | | | | | | |
| 388 | Extortion by threat of accusation of an offence punishable with death, imprisonment for life, or imprisonment for 10 years. | Ditto | Ditto | Bailable | Not compoundable | Imprisonment of either description for 10 years, and fine. | 2[Court* of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

2. By *Ordin. XXVII of 1982 : w. e. f. 21 - 8 - 82*

14. By *Act XVII of 1991 w. e. f. 2 - 1 - 91*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------|--------|--------------|-------------------|--|---|
| | If the offence threatened be an unnatural offence. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate. Additional District Magistrate specially empowered by the Government in that behalf.] |
| 389 | Putting a person in fear of accusation of offence punishable with death, imprisonment for life, or with imprisonment for 10 years, in order to commit extortion. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| | If the offence be an unnatural offence. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 4[Chief Metropolitan Magistrate,] 3[District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 392 | Robbery | May arrest without warrant. | Ditto. | Not bailable | Not compoundable. | Rigorous imprisonment for 10 years, and fine. | 2[Court of Sessions, Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

Of Robbery and Dacoity

2 By Ordn. XXVII of 1982 : w. e. f. 21 - 8 - 82
 3. By Ordn. LX of 1982 : w. e. f. 30 - 12 - 82
 4. By Ordn. II of 1983 : w. e. f. 25 - 1 - 83.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------|----------|---------------|-------------------|--|--|
| | If committed on the highway between sunset and sunrise. | May arrest without warrant. | Warrant. | Not bailable. | Not compoundable. | Rigorous imprisonment for 14 years, and fine. | 2 [Court of Session.] |
| 393 | Attempt to commit robbery | Ditto. | Ditto. | Ditto. | Ditto. | Rigorous imprisonment for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 394 | Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery | Ditto | Ditto. | Ditto. | Ditto. | Imprisonment for life, or rigorous imprisonment for 10 years and fine. | 2[Court of Sessions.] |
| 395 | Dacoity | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Court of Sessions. |
| 396 | Murder in dacoity | Ditto. | Ditto. | Ditto. | Ditto. | Death, imprisonment for life, or rigorous imprisonment for 10 years, and fine. | Court of Sessions. |
| 397 | Robbery or dacoity, with attempt to cause death or grievous hurt. | Ditto. | Ditto. | Ditto. | Ditto. | Rigorous imprisonment for not less than 7 years. | 3[Court of Sessions.] |
| 398 | Attempt to commit robbery or dacoity when armed with deadly weapon | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |

2. By Ordn. XVII of 1982 : w. e. f. 21 - 8 - 82.

3. By Ordn. LX of 1982 : w. e. f. 30 - 12 - 82

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|--------|--------|----------|--|--|---|
| 399 | Making preparation to commit dacoity | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Rigorous imprisonment for not less than 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 400 | Belonging to a gang of persons associated for the purpose of habitually committing dacoity. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment for life, or rigorous imprisonment for 10 years and fine. | Court of Sessions. |
| 401 | Belonging to a wandering gang of persons associated for the purpose of habitually committing theft. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Rigorous imprisonment for not less than 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 402 | Being one of five or more persons assembled for the purpose of committing dacoity. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 403 | Dishonest misappropriation of movable property, or converting it to one's own use. | Shall not arrest without warrant. | Ditto. | Ditto. | Bailable | Compoundable when permission is given by the Court before which the prosecution is pending.] | Imprisonment of either description for 2 years, or fine or both. | Any Magistrate |

Of Criminal Misappropriation of Property

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|--------------|---|--|--|
| 404 | Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it. | Shall not arrest without warrant. | Warrant | Bailable. | Not compoundable | Imprisonment of either description for 3 years and fine. | Metropolitan Magistrate or Magistrate of the first class.] |
| | If by clerk or person employed by deceased. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 406 | Criminal breach of trust. | May arrest without warrant. | Ditto. | Not bailable | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 3 years, or fine or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 407 | Criminal breach of trust by a carrier, wharfinger, etc. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years and fine. | 7[Metropolitan Magistrate or Magistrate of the first class.] |

Of Criminal Breach of Trust

2. *By Ordn. XXVII of 1982 ; w. e. f. 21 - 8 - 82*

7. *By Act XXX of 1980 ; w. e. f. 23 - 8 - 80*

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------|--------|--------|--------|---|--|--|
| 408 | Criminal breach of trust by a clerk or servant. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | 7[Ditto.] |
| 409 | Criminal breach of trust by public servant or by banker, merchant or agent, etc. | Ditto. | Ditto. | Ditto. | Ditto. | Not compoundable. | Imprisonment for life or imprisonment of either description for 10 years and fine. | 6[Court of Sessions.] |
| 411 | Dishonestly receiving stolen property, knowing it to be stolen. | May arrest without warrant. | Ditto. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 412 | Dishonestly receiving stolen property, knowing that it was obtained by dacoity. | Ditto. | Ditto. | Ditto. | Ditto. | Not compoundable | Imprisonment for life or rigorous imprisonment for 10 years and fine. | 4] Chief Metropolitan Magistrate.] 3] District Magistrate. Additional District Magistrate specially empowered by the Government in that behalf.] |

2. *By Ordn. XXIV of 1982* ; w. e. f. 21 - 8 - 82

3. *By Ordn. IX of 1982* ; w. e. f. 30 - 12 - 82

4. *By Ordn. IV of 1983* ; w. e. f. 25 - 1 - 83

6. *By Act IV of 1980* ; w. e. f. 30 - 11 - 79

7. *By Act XXX of 1980* ; w. e. f. 23 - 8 - 80

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|---------|-------------|---|--|---|
| 413 | Habitually dealing in stolen property. | May arrest without warrant. | Warrant | No bailable | Not compoundable. | Imprisonment for life or imprisonment of either description for 10 years and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate. or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 414 | Assisting in concealment or disposal of stolen property, knowing it to be stolen. | Ditto. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 417 | Cheating | Shall not arrest without warrant. | Ditto. | Bailable | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 1 year, or fine, or both. | Metropolitan Magistrate or Magistrate of the first or second class. |
| 418 | Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect. | Ditto | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |

2. *By Ordn. XXII of 1982; w. e. f. 21 - 8 - 82*

3. *By Ordn. IX of 1982; w. e. f. 30 - 12 - 82*

4. *By Ordn. II of 1983; w. e. f. 25 - 1 - 83*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|--|-----------------------------------|----------|----------|---|---|--|
| 419 | Cheating by personation. | May arrest without warrant. | Warrant. | Bailable | Compoundable when permission is given by the Court before which prosecution is pending. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 420 | Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security. | Ditto. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which prosecution is pending. | Imprisonment of either description for 7 years, and fine. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| Of Fraudulent Deeds and Disposition of Property | | | | | | | |
| 421 | Fraudulent removal or concealment of property, etc., to prevent distribution among creditors. | Shall not arrest without warrant. | Ditto | Ditto. | Compoundable when permission is given by the Court before which prosecution is pending. | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |
| 422 | Fraudulently preventing from being made available for his creditors a debt or demand due to the offender. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|--------|--------|--------|--------|--|----------------|
| 423 | Fraudulent execution of deed of transfer containing a false statement of consideration. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto |
| 424 | Fraudulent removal or concealment of property, of himself, or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both | Any Magistrate |

Of Mischief

| | | | | | | | |
|-----|--|-----------------------------|----------|--------|--|--|--------------------|
| 426 | Mischief | Ditto. | Summons | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 3 months, or fine, or both. | Any Magistrate. |
| 427 | Mischief, and thereby causing damage to the amount of 50 Taka or upwards. | Ditto | Warrant. | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |
| 428 | Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 taka or upwards | May arrest without warrant. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending.] | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|----------------------------|---------|----------|---|---|--|
| 429 | Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of 50 Taka or upwards. | May arrest without warrant | Warrant | Bailable | Not compoundable. | Imprisonment of either description for 5 years, or fine, or both. | 7[Metropolitan Magistrate or Magistrate of the first class.] |
| 430 | Mischief by causing diminution of supply of water for agricultural purposes, etc. | Ditto | Ditto | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Ditto | Ditto |
| 431 | Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impossible or less safe for travelling or conveying property. | Ditto | Ditto | Ditto | Not compoundable. | Imprisonment either description for 5 years, or fine, or both. | Metropolitan Magistrate of the first class. |
| 432 | Mischief by causing inundation or obstruction to public drainage, attended with damage. | Ditto | Ditto | Ditto | Ditto. | Ditto. | Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|--------|---------------|------------------------|---|--|
| 433 | Mischief by destroying or moving or rendering less useful a lighthouse or sea mark, or by exhibiting false lights. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 434 | Mischief by destroying or moving, etc., a landmark fixed by public authority. | Shall not arrest without warrant. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 1 year, or fine, or both. | 2[Any Magistrate.] |
| 435 | Mischief by fire or explosive substance with intent to cause damage to amount of 100 2[taka] or upwards, or, in case of agricultural produce, 10 taka or upwards. | May arrest without warrant. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 436 | Mischief by fire or explosive substance with intent to destroy, a house, etc. | Ditto. | Ditto. | Not bailable. | Imprisonment for life. | Imprisonment of either description for 10 years, and fine. | 4[Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate specially empowered by the Government in that behalf.] |

2 By Ordn. XXII of 1982, w. e. f. 21-8-82

3 By Ordn. IX of 1982, w. e. f. 30-12-82

4 By Ordn. II of 1983, w. e. f. 25-1-83

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------|----------|--------------|-------------------|--|---|
| 437 | Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden. | May arrest without warrant. | Warrant. | Not bailable | Not compoundable. | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 438 | The mischief described in the last section when committed by fire or any explosive substance. | Ditto | Ditto | Ditto | Ditto | Imprisonment for life or imprisonment of either description for 10 years, and fine | 4[Chief Metropolitan Magistrate] 3[District Magistrate, Additional District Magistrate specially empowered by the Government in that behalf.] |
| 439 | Running vessel ashore with intent to commit theft, etc. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

2. *By Ordn. XXVI of 1982 : w. e. f. 21 - 8 - 82*

3. *By Ordn. IX of 1982 : w. e. f. 30 - 12 - 82*

4. *By Ordn. II of 1983 : w. e. f. 25 - 1 - 83*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------|--------|--------|-------|---|--|
| 440 | Mischief committed after preparation made for causing death, or hurt, etc. | May arrest without warrant. | Ditto. | Ditto. | Ditto | Imprisonment of either description for 5 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |

Of Criminal Trespass

| | | | | | | | |
|-----|--|--------|---------|---------------|-------------------|---|---|
| 447 | Criminal trespass | Ditto. | Summons | Bailable. | Compoundable. | Imprisonment of either description for 3 months, or fine of 500 Taka, or both. | Any Magistrate. |
| 448 | House-trespass | Ditto | Warrant | Ditto | Ditto | Imprisonment of either description for one year, or fine of 1,000 2[Taka], or both. | Ditto |
| 449 | House-trespass in order to the commission of an offence punishable with death. | Ditto | Ditto | Not bailable. | Not compoundable. | Imprisonment for life, or rigorous imprisonment for 10 years, and fine | Court of Sessions. |
| 450 | House trespass in order to the commission of an offence punishable with imprisonment for life. | Ditto. | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|---------------------------------------|-------------------|---------------------------|---|---|--|
| 451 | House trespass in order to the commission of an offence punishable with imprisonment If the offence is theft. | May arrest without warrant. Ditto. | Warrant Ditto. | Bailable. Not bailable | Compoundable when remission is given by the court before which the prosecution is pending. Not compoundable. | Imprisonment of either description for 2 years, and fine. Imprisonment of either description for 7 years and fine. | Any Magistrate. 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 452 | House trespass, having made preparation for causing hurt, assault, etc. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| 453 | Lurking house trespass or house breaking. | Ditto. | Ditto. | Not bailable | Ditto. | Imprisonment of either description for 2 years and fine. | 2[Any Magistrate]. |
| 454 | Lurking house trespass or house breaking in order to the commission of an offence punishable with imprisonment. If the offence is theft. | Ditto. Ditto. | Ditto. Ditto. | Bailable Ditto | Ditto Ditto | Imprisonment of either description for 3 years and fine Imprisonment of either description for 10 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first class or second class.] 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf] |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------|----------|-----------|-------------------|---|---|
| 455 | Lurking house trespass or house breaking after preparation made for causing hurt, assault, etc. | May arrest without warrant. | Warrant. | Bailable. | Not compoundable. | Imprisonment of either description for 10 years and fine. | 2[Court of Sessions, Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.] |
| 456 | Lurking house trespass or house breaking by night. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 457 | Lurking house trespass or house breaking by night in order to the commission of an offence punishable with imprisonment. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| | If the offence is theft. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 14 years and fine. | Ditto. |
| 458 | Lurking house trespass or house breaking by night after preparation for causing hurt, etc. | Ditto | Ditto | Ditto | Ditto | Ditto | 6[Court of Session.] |

2. *By Ordn. XXII of 1982 : w. e. f. 21 - 8 - 82*

6. *By Act II of 1980 : w. e. f. 30 - 11 - 79*

7. *By Act XXV of 1980 : w. e. f. 23 - 8 - 80*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------|--|-----------------------------|---------|---------------|-----------------|---|---|
| 459 | Grievous hurt caused whilst committing lurking house trespass or house breaking. | May arrest without warrant. | Warrant | Bailable | Not compondable | Imprisonment for life, or imprisonment of either description for 10 years and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 460 | Death or grievous hurt caused by one of several persons jointly concerned in house breaking by night, etc. | Ditto | Ditto | Not bailable. | Ditto. | Ditto | Court of Sessions. |
| 461 | Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property. | Ditto | Ditto | Bailable | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2[Any Magistrate.] |
| 462 | Being entrusted with any close receptacle containing or supposed to contain any property, and fraudulently opening the same. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 14 462A | Negligent conduct of bank officers and employees. | Ditto | Ditto | Ditto | Ditto | Imprisonment for 2 years, or fine, or both. | Ditto. |
| 462B | Defrauding banking company | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto.] |

2. *By Ordn. XVII of 1982*; w. e. f. 21 - 8 - 82

3. *By Ordn. IX of 1982*; w. e. f. 30 - 12 - 82

4. *By Ordn. II of 1983*; w. e. f. 25 - 1 - 83

14. *Ins. by Act XII of 1991*; w. e. f. 4 - 3 - 91

CHAPTER XVIII - OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|--------|--------------|--------|---|---|
| 465 | Forgery | Shall not arrest without warrant. | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | 2 [Any Magistrate] |
| 466 | Forgery of a record of a Court of Justice or of a Register of Births, etc., kept by a public servant. | Ditto | Ditto | Not bailable | Ditto | Imprisonment of either description for 7 years and fine. | 2 [Metropolitan Magistrate or Magistrate of the first class.] |
| 467 | Forgery of a valuable security, with authority to make or transfer any valuable security, or to receive any money etc | Ditto | Ditto | Ditto | Ditto | Imprisonment for life, imprisonment of either description for 10 years, and fine. | 4 [Chief Metropolitan Magistrate,] District Magistrate, Additional District Magistrate specially empowered by the Government in that behalf.] |
| 468 | When the valuable security is a promissory note of the Government. | May arrest without warrant. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. |
| | Forgery for the purpose of cheating | Shall not arrest without warrant. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years and fine. | 2 [Metropolitan Magistrate or Magistrate of the first class.] |

2. By Order XVI of 1982, w. e. f. 21-8-82

3. By Order IV of 1982, w. e. f. 30-12-82

4. By Order II of 1983, w. e. f. 25-1-83

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|----------|------------------|--|--|
| 469 | Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose. | Shall not arrest without warrant. | Warrant | Bailable | Not compoundable | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 471 | Using as genuine a forged document which is known to be forged. | Ditto. | Ditto. | Ditto. | Ditto. | Punishment for forgery of such document. | Same Court as that by which the forgery is triable. |
| 472 | Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467 of the Penal Code or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit. | Shall not arrest without warrant. | Ditto. | Ditto. | Ditto. | Imprisonment for life, or imprisonment of either description for 7 years and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate, Additional District Magistrate specially empowered by the Government in that behalf.] Court of Sessions. |

2. By Ordn. XXII of 1982 : w. e. f. 21 - 8 - 82

3. By Ordn. IX of 1982 : w. e. f. 30 - 12 - 82

4. By Ordn. II of 1983 : w. e. f. 25 - 1 - 83

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|---------|----------|---|---|--|---|
| 484 | Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property. | Shall not arrest without warrant. | Summons | Bailable | Not compoundable | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] | |
| 485 | Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] | |
| 486 | Knowingly selling goods marked with a counterfeit property or trade mark, &c. | Ditto. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 1 year, or fine, or both. | 2[Any Magistrate] | |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|-----------------------------------|--------|-----------|----------|---|---|--|
| 477A | Falsification of accounts. | Ditto. | Ditto. | Bailable. | Ditto. | | | Imprisonment of 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 482 | Using a false trade or property mark with intent to deceive or injure any person. | Shall not arrest without warrant. | Ditto. | Ditto. | Bailable | Compoundable when permission is given by the Court before which the prosecution is pending. | | Imprisonment of 2[Any Magistrate]. for 1 year, or fine, or both. |
| 483 | Counterfeiting a trade or property mark used by another, with intent to cause damage or injury. | Ditto. | Ditto. | Ditto. | Ditto. | | | Imprisonment of Ditto either description for 2 years, or fine, or both. |

| | | | | | | | |
|-----|---|--------|--------|--------|--------|--|---|
| 473 | Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467 of the Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 474 | Having possession of a document, knowing it to be forged, with intent to use it as genuine, if the document is one of the description mentioned in section 466 of the Penal Code. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 7 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |
| | If the document is one of the description mentioned in section 467 of the Penal Code. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment for life, or imprisonment of either description for 7 years and fine. | 4[Chief Metropolitan Magistrate.] 3[District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |

2. *By Ordn. XXIV of 1982; w. e. f. 21-8-82*3. *By Ordn. IX of 1982; w. e. f. 30-12-82*4. *By Ordn. II of 1983; w. e. f. 25-1-83*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|---------|---------------|------------------|--|---|
| 475 | Counterfeiting a device or mark used for authenticating documents described in section 467 of the Penal Code, or possessing counterfeit marked material | Shall not arrest without warrant. | Warrant | Bailable. | Not compoundable | Imprisonment for life, or imprisonment of either description for 7 years and fine. | 4 Chief Metropolitan Magistrate,] 3 District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |
| 476 | Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Penal Code, or possessing counterfeit marked material | Ditto | Ditto. | Not bailable. | Ditto | Imprisonment of either description for 7 years and fine. | 2 Metropolitan Magistrate or Magistrate of the first or second class.] |
| 477 | Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will etc. | Ditto | Ditto. | Ditto. | Ditto | Imprisonment for life, or imprisonment of either description for 7 years and fine. | 4 Chief Metropolitan Magistrate,] 3 District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.] |

2 By Ordn. XXVI of 1982 : w. e. f. 21 - 8 - 82

3 By Ordn. IX of 1982 : w. e. f. 30 - 12 - 82

4 by Ordn. II of 1983 : w. e. f. 25 - 1 - 83

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|--|----------------------------------|--------|-----------|----------|---|---|
| 477A | Falsification of accounts. | Ditto. | Ditto. | Bailable. | Ditto. | | Imprisonment of either description for 7 years or fine, or both. 2[Metropolitan Magistrate or Magistrate of the first class.] |
| 482 | Using a false trade or property mark with intent to deceive or injure any person. | Shall not arrest without warrant | Ditto. | Ditto. | Bailable | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 1 year, or fine, or both. 2[Any Magistrate]. |
| 483 | Counterfeiting a trade or property mark used by another, with intent to cause damage or injury | Ditto. | Ditto. | Ditto. | Ditto. | | Imprisonment of either description for 2 years, or fine, or both. Ditto |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|-----------------------------------|---------|----------|---|---|--|
| 484 | Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property. | Shall not arrest without warrant. | Summons | Bailable | Not compoundable | Imprisonment of either description for 3 years and fine. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 485 | Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark | Ditto. | Ditto. | Ditto. | Ditto | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 486 | Knowingly selling goods marked with a counterfeit property or trade mark,ed. | Ditto. | Ditto. | Ditto. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 1 year, or fine, or both. | 2[Any Magistrate] |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|---|-----------------------------|---------|----------|-------------------|--|--|
| 487 | | Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, etc. | Ditto. | Ditto. | Ditto. | Not compoundable. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 488 | | Making use of any such false mark | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 3 years, or fine, or both. | 2[Metropolitan Magistrate or Magistrate of the first or second class.] |
| 489 | | Removing, destroying or defacing any property mark with intent to cause injury. | Ditto. | Ditto. | Ditto. | Ditto. | Imprisonment of either description for 1 year, or fine, or both. | 2[Any Magistrate.] |
| 489A | | Counterfeiting currency notes or bank notes | May arrest without warrant. | Warrant | Bailable | Not compoundable. | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | Court of Sessions. |

Of Currency-Notes and Bank-Notes.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|-----------------------------------|----------|---------------|-------------------|--|---|
| 489B | Using as genuine forged or counterfeit currency notes or bank notes. | May arrest without warrant. | Warrant. | Not Bailable | Not compoundable. | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | Court of Sessions. |
| 489C | Possession of forged or counterfeit currency notes or bank notes. | Ditto. | Ditto. | Bailable. | Ditto. | Imprisonment of either description for 7 years, or fine, or both. | 2 [Metropolitan Magistrate or Magistrate of the first class.] |
| 489D | Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes. | Ditto. | Ditto | Not bailable. | Ditto. | Imprisonment for life, or imprisonment of either description for 10 years, and fine. | Court of Sessions. |
| 491 | Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so. | Shall not arrest without warrant. | Summons | Bailable. | Compoundable. | Imprisonment of either description for 3 months, fine of 200 taka, or both. | 2[Any Magistrate] |

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE

CHAPTER XX. — OFFENCES RELATING TO MARRIAGE.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-------|---------|--------------|--|--|--|
| 493 | A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief | Ditto | Warrant | Not bailable | 2[Compoundable when permission is given by the Court before which the prosecution is pending.] | Imprisonment of either description for 10 years, and fine. | 3[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf. |
| 494 | Marrying again during the lifetime of a husband or wife. | Ditto | Ditto | Bailable. | Compoundable when permission is given by the Court before which the prosecution is pending. | Imprisonment of either description for 7 years, and fine. | 2[Metropolitan Magistrate or Magistrate of the first class.] |

2 By Order VIII of 1982, w.e.f. 21-8-82

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--|----------------------------------|---------|--------------|------------------|--|---|
| 495 | Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted | Shall not arrest without warrant | Warrant | Bailable | Not Compoundable | Imprisonment of either description for 10 years, and fine | 2[Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf] |
| 496 | A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine | 2[Metropolitan Magistrate or Magistrate of the first class] |
| 497 | Adultery | Ditto | Ditto | Compoundable | Ditto | Imprisonment of either description for 5 years, or fine or both. | 7[Metropolitan Magistrate or Magistrate of the first class] |
| 498 | Enticing or taking away or detaining with a criminal intent a married woman. | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine or both. | 2[Any Magistrate] |

2. *By Ordn. XXVI of 1982, w. e. f. 21-8-82*7. *By Act XXXV of 1980, w. e. f. 23-8-80*

CHAPTER XXI-DEFAMATION

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-------|-------|-------|-------|---|-------------------|
| 500 | Defamation | Ditto | Ditto | Ditto | Ditto | Simple imprisonment for 2 years, or fine or both | 2[Any Magistrate] |
| 501 | Printing or engraving matter knowing it to be defamatory | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 502 | Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter | Ditto | Ditto | Ditto | Ditto | Ditto | Ditto |
| 504 | Insult intended to provoke a breach of the peace | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine or both | Ditto |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------|--|---|--------|--------|--------------|-------------------|--|---|
| 505 | False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace. | | Ditto | Ditto | Not bailable | Not compoundable. | ¹ [Imprisonment for seven years, or fine or both.] | ¹ [Court of Sessions] |
| ¹ 505A | Prejudicial Act by words, etc. | | Ditto. | Ditto. | Ditto. | Ditto. | Ditto. | Ditto] |
| 506 | Criminal intimidation. | | Ditto. | Ditto. | Bailable | Compoundable. | Ditto | ² [Any Magistrate] |
| | If threat be to cause death or grievous hurt, etc. | | Ditto. | Ditto. | Ditto | Not compoundable. | Imprisonment of either description for 7 years, or fine or both. | ² [Metropolitan Magistrate or Magistrate of the first class] |

² By Ordn. XXVI of 1982, w. e. f. 21-8-82

*14 The Commn and the words "Prejudicial Act and annoyance" substituted for the words "And Annoyance" by Act XVI of 1991, w. e. f. 26. 2. 91

**14 Column 7 and 8 of section 505 substituted by Act XVI of 1991, w. e. f. 26. 2. 91.

***14 Section 505A inserted by Act XVI of 1991, w. e. f. 26. 2. 91.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|-----------------------------------|---------|-----------|---|--|------------------|
| 507 | Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes. | Shall not arrest without warrant. | Warrant | Bailable. | Not compoundable | Imprisonment of either description for 2 years, in addition to the punishment under above section. | 2 Any Magistrate |
| 508 | Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure. | Ditto | Ditto | Ditto | Compoundable. | Imprisonment of either description for 1 year, or fine or both. | 2 Any Magistrate |
| 509 | Uttering any word or making any gesture intended to insult the modesty of a woman, etc. | Ditto | Ditto | Ditto | Compoundable when permission is given by the Court before which the prosecution is pending. | Simple imprisonment for 1 year, or fine, or both. | 2 Any Magistrate |
| 510 | Appearing in a public place etc. in a state of intoxication, and causing annoyance to any person. | Ditto. | Ditto. | Ditto. | Not compoundable. | Simple imprisonment for 24 hours, or fine of 10 Taka or both. | Any Magistrate. |

CHAPTER XXIII . - ATTEMPTS TO COMMIT OFFENCES

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|--|---|--|---|--|--|--|
| 511. | Attempting to commit offences punishable with imprisonment or imprisonment and in such attempt doing any act towards the commission of the offence | According as the offence is one of which police arrest without warrant. | According as the offence is one in respect of which a summons or warrant shall ordinarily. | According as the offence contemplated by the offender is bailable or not. | 2[Compoundable when permission is given by the Court before which the prosecution is pending.] | *Imprisonment of any description provided for the offence for a term which may extend to one-half of the longest term of imprisonment provided for that offence, or fine, or both. | 6[The Court by which the offence attempted is triable.] |
| | If punishable with death, imprisonment or imprisonment for 7[more than 2]five years.] | May arrest without warrant. | Warrant | Not bailable | Not Compoundable. | Ditto | 6[Court of Sessions.] |
| | If punishable with imprisonment for not less than two years and not 7[more] than 2[five years.] | Ditto | Ditto | Ditto | Ditto | Ditto | 6[Metropolitan Magistrate or Magistrate of the first or second class.] |
| | If punishable with imprisonment for less than two years or with fine only. | Shall not arrest without warrant. | Summons | Bailable | Ditto | Ditto. | Any N. Magistrate. |

OFFENCES AGAINST OTHER LAWS.

² Subs. By Ordin. XXVI 1982, w. e f 21 - 8 - 82. The words, "5 years" in column 2 of paragraph 1 and 2 of offences against other laws have been substituted for the words "3 years". Section 511 was compoundable when the offence attempted was compoundable; but now all attempts U/S - 511 is compoundable if Court permits

⁶ By Act II of 1980, w. e f 30 - 11 - 79

⁷ By Act XXX of 1980, w. e f 23 - 8 - 80

• Amended vide Section 23 of Ordinance No. XII of 1985 with effect from 5 - 8 - 85