

Code of Criminal Procedure (CrPC)

The code of criminal procedure was enacted after the administration of India was taken over by the British crown. The act was enacted in 1861 after the rebellion of 1857 and was later amended in 1872, 1882 and 1898. This allowed for a uniform application of the code among British and Indian people. The present code came into effect in the year 1973. Subsequently, it came into force on April 1, 1974.

The code of criminal procedure provides machinery for investigating a crime, apprehending those who are suspected criminals, collecting evidence and determining the guilt or innocence of those who are accused of a crime.

The code also deals with instances of public nuisances, prevention of offences and cases of maintenance of wife, parents or child. The Code of Criminal Procedure (CrPC) consists of 565 sections, 5 schedules and 56 forms. Each of these sections is divided into 46 chapters.

History Of Code of Criminal Procedure (CrPC)

Following the Muslim-imposed law in mediaeval India, the Mohammedan Criminal Law became the norm. Under the Regulating Act of 1773, which was issued by the British monarchs, a Supreme Court was formed in Calcutta, and later, in Madras and Bombay. The Supreme Court was required to decide cases involving subjects of the Crown using British procedural law.

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Following the 1857 Rebellion, the crown assumed control of India's administration. The British parliament approved the Indian Penal Code in 1861. The CrPC was initially established in 1882, revised in 1898, and then in accordance with the 41st Law Commission report in 1973.

What Is the Code of Criminal Procedure (CrPC)

The Code of Criminal Procedure (CrPC) applies to all of India, and after the revocation of article 370, it is also applicable to the areas of Jammu and Kashmir. Yet, the provisions of the Act do not apply to the state of Nagaland and any tribal areas.

The bodies which function under the code are the Supreme court of India, high courts, district and sessions judges and additional district judges, judicial magistrates, executive magistrates, police prosecutors, police, defence counsels and correctional services personnel.

Classification of Offences under CrPC

As per the CRPC Bare Act, there is a specific classification for offences under the code.

Offences are characterised as either cognisable or non-cognizable.

- **Cognizable Offences:** According to the first schedule of the code, cognizable offences are those for which a law enforcement officer may make an arrest without a court-issued warrant. Crimes are reportable under section 154 of the Criminal Procedure Code.
- **Non-Cognizable Offences:** In general, non-cognizable offences are considered to be less serious than cognizable ones. The law enforcement officer may only make an arrest in non-cognizable circumstances after receiving the proper authorization from a warrant. Non-cognizable offences reported in accordance with Section 155 Cr.P.C. For these, the magistrate has the authority to file a complaint under section 190 Cr.P.C. The Magistrate

has the authority to order the police to file the case, conduct an investigation, and present the challan or report for dismissal under section 156(3) of the Criminal Procedure Code.

Arrest and Bail under the Code of Criminal Procedure (CrPC)

As per the Code of Criminal Procedure (CrPC), there is a specific classification for offences under the code. Offences are characterised as either cognisable or non-cognizable. Cognisable offences are those types of offences for which an arrest can be made without a warrant, while a non-cognizable offence is one where a police officer will need a warrant to make an arrest. In general, the latter is less serious than the former type of offence.

As per the Code of Criminal Procedure (CrPC), bail means the process of procuring the release of an accused person who is charged with an offence. Bail is granted by ensuring future attendance in the court for trial. A bail also compels the accused to remain within the fixed jurisdiction of the court.

The CrPC has been amended several times to include various provisions within its ambit. It was amended as recently as 2014 for legislation of the Lokpal and Lokayuktas Act 2013.

The act's provisions also consist of details regarding sentences that the magistrates may pass, details regarding bail, summary trials, judgement and appeal. Based on the hierarchy of criminal courts, matters may be heard in the applicable court of law and decided as per the provisions of the CRPC Bare Act.

