

**The
Code of
Criminal
Procedure, 1973**

RATANLAL & DHIRAJLAL

1984 (Reprint)

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The Code of Criminal Procedure, 1973

(Act No. II of 1974.)

With Notes and Comments, Case-Law references-etc. etc.

RATANLAL & DHIRAJLAL

by

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foreword



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November 15, 1982.

I am glad that the Wadhwa Sales Corporation, Nagpur have brought out reprints of Ratanlal & Dhirajlal's law books. These Reprints include those on the Law of Crimes, The Indian Penal Code, the Code of Criminal Procedure, the Law of Evidence and the Law of Torts.

These law books which contain interpretation of the laws on the above subjects were always in the approved list for the syllabus in some Colleges, and Universities. The original books having gone out of print, a reprint had become necessary to meet the demands of the students as well as those in the legal profession and the Police officials. I find that a summary of the provisions of law has been given at the end of each book enabling the reader to get a bird's eye-view. There is no need to underscore the fact that a mastery of the principles of law on these subjects is a sine qua non for all those who are interested in the legal profession.

I congratulate the publishers on bringing out the reprints of these valuable reference books at a reasonable price. I have no doubt the various legal institutions and libraries will gladly welcome them. May I express the hope that the revised new editions of these books will be brought out as early as possible?

(M. Hidayatullah)

Preface

This is a commentary on the Code of Criminal Procedure, 1973, which came into force on April 1, 1974, replacing the Code of 1898. This book has been written with the object of enabling the reader to understand and grasp the principles of criminal procedure. Every effort has been made to make it a lucid, reliable and practical guide for one who has to master the subject.

Principles extracted from old decisions have been utilised to explain and illustrate the provisions of the new sections wherever found apt. In view of drastic changes made in the new Code, commentary had to be re-written in many places and new commentary had to be added to entirely new sections. The case law in this book has been brought down to August, 1975 with the help of an Addenda.

It is too early to say whether the new Code will be able to meet the felt necessities in this branch of law, viz., avoidance of delay, simplicity of procedure, fair deal to the poorer section of the community, and, of course, a fair trial in every case according to the principles of natural justice. We have deliberately refrained from commenting on the drawbacks, hoping that judicial decisions will adequately deal with problems as and when they crop up. The Supreme Court decision in the case of *B.P. Andre v. Superintendent, Central Jail*, [1975] 1 S.C.C. 192, [1975] A.I.R. S.C. 164, is a good example here.

Two amendments viz., the Code of Criminal Procedure (Amendment) Regulation, 1974 (I of 1974) and the Economic Offences (Inapplicability of Limitation) Act, 1974 (XII of 1974) are included in this book. (See page 1 and page 151 of the Commentary). An analytical Summary of the provisions of the Code appears at the end of the book. This, it is hoped, will give the beginner a bird's eye view of the provisions and will also prove helpful to him at the time of examination for purposes of revision.

We are thankful for the help that we have received from Mr. Viharilal T. Gambhirwala, B.A., LL.B., Advocate, Supreme Court and High Court, Bombay, in the preparation of this commentary.

M.R.V.
A.K.S.

September, 1975

Some Opinions

"I have always found it useful both when I was at the Bar and after I became a judge. The book covers all the important points and is useful for ready reference."—**Hon'ble Mr. Justice Y.V. Chandrachud, Judge, Supreme Court, New Delhi.**

"It is an excellent book on Criminal Law and will be very useful to all concerned. **Hon'ble Mr. R.M. Kantawala, Chief Justice, High Court, Bombay.**

"I have always been of opinion that your edition of the Criminal Procedure Code is more than a mere text-book for students."—**Hon'ble Mr. Justice J.R. Vimadalal, High Court, Bombay.**

"I am so happy that you have taken so much care to make this very handy companion of the Bench, Bar and students of law up-to-date both regarding statute law and case-law. I heartily congratulate you."—**Hon'ble Mr. Justice G.N. Vaidya, High Court, Bombay.**

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"For quick and up to date reference, it is a book not easy to match."—**Hon'ble Mr. Justice Bakhtavar Lentin, High Court, Bombay.**

EXPLANATIONS OF ABBREVIATIONS.

A. C.	.. Appeal Cases, Law Reports, from 1891—
A. I. R.	.. All India Reporter, from 1914—
A. L. J.	.. Allahabad Law Journal, 1904—
All.	.. Indian Law Reports, Allahabad Series, from 1876—
Andhra	.. Indian Law Reports, Andhra Pradesh Series, 1955—
Ass.	.. Indian Law Reports, Assam Series, from 1949—
B. H. C.	.. Bombay High Court Reports, 1862-1875.
Bom.	.. Indian Law Reports, Bombay Series, from 1876—
Bom. L. R.	.. Bombay Law Reporter, from 1899—
C. L. J.	.. Calcutta Law Journal, from 1905—
C. W. N.	.. Calcutta Weekly Notes, from 1896—
Cr. L. J.	.. Criminal Law Journal, from 1904—
Cr. R.	.. Criminal Rulings of the Bombay High Court, 1862-1910.
Cal.	.. Indian Law Reports, Calcutta Series, from 1876—
Cut.	.. Indian Law Reports, Cuttack Series, from 1949—
F. C. R.	.. Federal Court Reports, 1939-1950.
G. L. R.	.. Gujarat Law Reporter Series, 1960—
I. A.	.. Law Reports, Indian Appeals, 1872-1950.
K. L. T.	.. Kerala Law Times, 1957—
Kar.	.. Indian Law Reports, Karachi Series, from 1940-1947.
Kerala	.. Indian Law Reports, Kerala Series, 1959—
L. B. R.	.. Lower Burma Rulings, 1901-1922.
Lah.	.. Indian Law Reports, Lahore Series, 1920-1948.
Luck.	.. Indian Law Reports, Lucknow Series, 1926-1948.
M. H. C.	.. Madras High Court Reports, 1862-1875.
Mad.	.. Indian Law Reports, Madras Series, from 1876—

M. L. J.	.. Madras Law Journal, 1891—
Mah. L. J.	.. Maharashtra Law Journal, 1963—
N. L. R.	.. Nagpur Law Reports, 1906-1936.
N. W. P. H. C. R.	.. N. W. P. High Court Reports, 1862-1875.
Nag.	.. Indian Law Reports, Nagpur Series, from 1936-1956.
P. C.	.. Privy Council.
P. L. C.	.. Proceedings of the Legislative Council.
P. L. R.	.. Punjab Law Reporter, from 1900—
P. R.	.. Punjab Record, 1862-1919.
Pat.	.. Indian Law Reports, Patna Series, from 1922—
Punj.	.. Indian Law Reports, Punjab Series, 1948—
R. S. C.	.. Report of the Select Committee.
Raj.	.. Indian Law Reports, Rajasthan Series, 1951—
Ran.	{ Indian Law Reports, Rangoon Series, 1923-1937. Rangoon Law Reports, from 1937-1949.
S. C. C.	.. Supreme Court Cases, 1969—
S. C. J.	.. Supreme Court Journal from 1951—
S. C. R.	.. Supreme Court Reports, from 1950—
S. O. R.	.. Statement of Objects and Reasons.
T. C.	.. Indian Law Reports, Travancore-Cochin Series, 1951-1957.
U. B. R.	.. Upper Burma Rulings, 1892-1922.
Unrep. Cr. C.	.. Unreported Criminal Cases of the High Court of Bombay, 1862-1898.
W. R.	.. Weekly Reporter, Calcutta, 1862-1875.
Weir.	.. Weir's Law of Offences and Criminal Law.

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