During the course of an investigation, a police officer may have to enter and search a premises. Known as search and seizure, there are several sections of the Criminal Procedure Code (CrPC) that define the powers of a police officer to search and seize.

**Search Warrants:**

**Q. What is a search warrant?**

A search warrant is issued by a court to a police officer and confers upon him/her the power to search a premises.

**Q. What powers of search are available to a police officer with powers to arrest when he/she believes that an accused has entered a house or place?**

The person residing in such a place must allow police officer free entry on production of warrant and provide all facilities to search within the house or area where accused is believed to be hiding.

If the demand for entry is denied by the resident, the police officer can break into the place. This is in cases where the police officer is acting under a warrant or in cases where a warrant can be obtained but could not because it would have afforded the accused reasonable opportunity to escape.

If a woman is residing in the place, the police officer is required to tell her that she is free to move away and give her reasonable facility to move away.

**Q. What if a woman is to be searched?**

The search must be made by another woman with strict regard to decency.

**Q. What procedure is to be followed for searching a place?**

- The officer making the search shall call upon two or more respected residents to attend and witness the search. These people should be independent and respected people of that or a neighbouring locality. The police officer may also issue them an order in writing if required. It is an offence if the concerned persons refuse to witness a search after being given an order in writing.

- The search should be carried out in their presence.

- A list of items seized must be made and signed by the witnesses.

- The occupant of the searched premises should also be permitted to witness the search and a signed copy of the list of items seized should be provided to him.

**Q. What rights do people whose houses are searched have?**

- The accused cannot be compelled to give any documents etc. that implicate him in a criminal charge.

- Police have no general right to enter or search your premises without your consent.

- If police have no legal authority, you can refuse entry. If police have no legal authority to remain, you can insist they leave.

- The warrant must be read and the directions specified by the court in the warrant be taken note of before police are allowed to make inspection.

**Q. Can a police officer conduct searches outside his/her jurisdiction?**

It depends. A police officer, of the rank of sub-inspector or above, can request a police officer of another district or jurisdiction to make a search in a particular place. However, if there are reasonable grounds to believe that the any delay in search will destroy the evidence, that police officer can make a search outside his/her jurisdiction.

--Ends