

committing of such theft, and thereby committed an offence punishable under section 307 of the Bharatiya Nyaya Sanhita, 2023 and within the cognizance of the Court of Session.

Fourthly—That you, on or about the.....day of....., at....., committed theft, having made preparation for causing fear of hurt to a person in order to the restraining of property taken by such theft and thereby committed an offence punishable under section 307 of the Bharatiya Nyaya Sanhita, 2023 and within the cognizance of the Court of Session.

(4) Alternative charge on section 229.—That you, on or about the.....day of....., at....., in the course of the inquiry into....., before....., stated in evidence that “.....”, and that you, on or about the.....day of....., at....., in the course of the trial of,..... before, stated in the evidence that “.....”, one of which statements you either knew or believed to be false, did not believe to be true, and thereby committed an offence punishable under section 229 of the Bharatiya Nyaya Sanhita, 2023 and within the cognizance of the Court of Session.

(*In cases tried by Magistrates substitute “within my cognizance” for “within the cognizance of the Court of Session”.*)

III. CHARGES FOR THEFT AFTER PREVIOUS CONVICTION

I,.....(*name and office of Magistrate, etc.*) hereby charge you.....(*name of accused person*) as follows:—

That you, on or about the.....day of....., at....., committed theft, and thereby committed an offence punishable under section 303(2) of the Bharatiya Nyaya Sanhita, 2023 and within the cognizance of the Court of Session (*or Magistrate, as the case may be*).

And you, the said(*name of accused*), stand further charged that you, before the committing of the said offence, that is to say, on the..... day of....., had been convicted by the.....(*state Court by which conviction was had*) at.....of an offence punishable under Chapter XVII of the Bharatiya Nyaya Sanhita, 2023 with imprisonment for a term of three years, that is to say, the offence of house-breaking by night.....(*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 13 of the Bharatiya Nyaya Sanhita, 2023.

And I hereby direct that you be tried, etc.