



The Code of Criminal Procedure, 1898

(ACT NO. V OF 1898)



[22nd March, 1898]



Print View

¹▲An Act to consolidate and amend the law relating to the Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:

PART I PRELIMINARY

CHAPTER I

Short title Commencement	1.(1) This Act may be called the Code of Criminal Procedure, 1898 ; and it shall come into force on the first day of July, 1898.
Extent	(2) It extends to the whole of Bangladesh; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special ² [* * *] law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.
Repealed	2. [Repealed by the Repealing and Amending Act, 1914 (Act No. X of 1914).]
(1) Omitted	3.(1) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]
(2) Expressions in former Acts	(2) In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class" and "Magistrate of the third class," ³ [***] the expression "Magistrate of the district" shall be deemed to mean "District Magistrate," ⁴ [***].
Words referring to acts	(2) Words which refer to acts done, extend also to illegal omissions; and
Words to have same meaning as in Penal Code	all words and expressions used herein and defined in the Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.
Definitions	<p>4.(1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:-</p> <p>⁵[(a) "advocate", used with reference to any proceeding in any Court, means an advocate or a mukhtar authorised under any law for the time being in force to practise in any such Court and includes any other person appointed with the permission of the Court to act in such proceeding;</p> <p>(aa) "Attorney-General" means the Attorney-General for Bangladesh, and includes also the Additional Attorney-General, the Deputy Attorney-General or the Assistant Attorney-General for Bangladesh, or, a Government advocate or such officer as the Government may, from time to time, appoint in this behalf;]</p> <p>(b) "bailable offence" means an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:</p> <p>(c) "charge" includes any head of charge when the charge contains more heads than one:</p> <p>(d) [Repealed by section 3 and Schedule II of the Repealing and Amending Act, 1923 (Act No. XI of 1923).]</p> <p>(e) Clerk of the State includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the State:</p> <p>(f) "cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, may, in accordance with the second schedule or under any law for the time being in force, arrest without warrant:</p> <p>(g) [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]</p> <p>(h) "complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person whether known or unknown, has committed an offence, but it does not include the report of a police-officer:</p> <p>⁶[(hh) "Court of Session" includes a Metropolitan Court of Session;]</p> <p>(i) [Omitted by the Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]</p> <p>⁷[(j) "High Court Division" means the High Court Division for criminal appeal or revision:]</p> <p>(k) "inquiry" includes every inquiry other than a trial conducted under this Code by a Magistrate or Court:</p>

(l) "investigation" includes all the proceedings under this Code for the Collection of evidence conducted by a police-officer or by any person (other than a Magistrate) who is authorised by Magistrate in this behalf;

(m) "judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath;

(n) "non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a police-officer, may not arrest without warrant;

(o) "offence" means any act or omission made punishable by any law for the time being in force;

it also includes any act in respect of which a complaint may be made under section 20 of the [Cattle-trespass Act, 1871](#);

(p) "officer in charge of a police-station" includes, when the officer in charge of the police-station is absent from the station-house or unable from illness or other cause to perform his duties, the police-officer present at the station house who is next in rank to such officer and is above the rank of constable or, when the Government so directs, any other police-officer so present;

(q) "place" includes also a house, building, tent and vessel;

(r) [Omitted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act, 1973](#) (Act No. VIII of 1973)];

(s) "police-station" means any post or place declared, generally or specially, by the Government to be a police-station, and includes any local area specified by the Government in this behalf;

(t) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor ⁸[* * *];

⁹[(u) "Upazila" means a Upazila as defined in the Upazila Parisad Act, 1998 (Act. No. 24 of 1998)]

(v) and (w) [Omitted by section 2 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

Construction of references.

¹⁰[4A. (1) In this Code, unless the context otherwise requires, any reference-

(a) without any qualifying word, to a Magistrate, shall be construed as a reference to a Judicial Magistrate;

(b) with a qualifying word not being a word clearly indicating a Judicial Magistrate shall be construed as a reference to a Magistrate as indicated in sub-section (2) (b);

(c) to a Sub-divisional Magistrate shall be construed as a reference to-

(i) the District Magistrate if the functions exercisable are of the nature specified in clause (b) of sub-section (2); or

(ii) the Chief Judicial Magistrate or as the case may be, the Chief Metropolitan Magistrate, if the functions exercisable are of the nature specified in clause (a) of sub-section (2);

(d) to an Assistant Sessions Judge, shall be construed as a reference to a joint Sessions Judge;

(e) to any area which is included in a Metropolitan area, shall be construed as a reference to such Metropolitan area;

(f) to any reference to a Magistrate of the first, second or third class in relation to an area which is included in a Metropolitan area, shall be construed as a reference to the Metropolitan Magistrate exercising jurisdiction in that area;

(g) to a Magistrate of the first, second or third class in relation to an area outside a Metropolitan Area, shall be construed as a reference to a Judicial Magistrate of the first, second or third class exercising jurisdiction in that area.

(2) Where, under any law for the time being in force other than this Code, the functions exercisable by a Magistrate relate to matters-

(a) which involve the appreciation or sifting of evidence or the formulation of any decision which exposes any person to any punishment or penalty of detention in custody pending investigation, inquiry or trial or other proceeding or would have the effect of sending him for trial before any Court, they shall subject to the provision of the Code, be exercisable by a judicial Magistrate; or

(b) which are administrative or executive in nature, such as the granting of a licence, the suspension or cancellation of a licence, sanctioning a prosecution or withdrawing from a prosecution, they shall, subject as aforesaid, be exercisable by an Executive Magistrate.]

Trial of offences under Penal Code

5.(1) All offences under the Penal Code shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained.

Trial of offences against other laws

(2) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

PART II

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES

CHAPTER II

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES

A.-Classes of Criminal Courts

Classes of Criminal Courts

¹¹[6.(1) Besides the Supreme Court and the Courts constituted under any law for the time being in force, other than this Code, there shall be two classes of Criminal Courts in Bangladesh, namely:-

(a) Courts of Sessions ; and

(b) Courts of Magistrates.

(2) There shall be two classes of Magistrate, namely: -

(a) Judicial Magistrate; and

(b) Executive Magistrate.

(3) There shall be four classes of judicial Magistrate, namely: -

(a) Chief Metropolitan Magistrate in Metropolitan Area and Chief judicial Magistrate to other areas;

(b) Magistrate of the first class, who shall in Metropolitan area, be known as Metropolitan Magistrate;

(c) Magistrate of the second class; and

(d) Magistrate of the third class.

Explanation: For the purpose of this sub-section, the word "Chief Metropolitan Magistrate" and "Chief judicial Magistrate" shall include "Additional Chief Metropolitan Magistrate" and "Additional Chief judicial Magistrate" respectively.]

B. -Territorial Divisions

Sessions divisions and districts	7.(1) Bangladesh shall consist of sessions divisions: and every sessions division shall, for the purposes of this Code, be a district or consist of districts.
Power to alter divisions and districts	(2) The Government may alter the limits or the number of such divisions and districts.
Existing divisions and districts maintained till altered	. (3) The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered. ¹² [(4) ¹³ [A] Metropolitan Area shall, for the purposes of this Code, be deemed to be a sessions division.]
Power to divide districts into Upazilas etc	¹⁴ [8. The Government may divide a district into Upazilas and, by notification in the official Gazette, fix or alter the limits of a Upazila or merge the areas of more than one Upazila into one Upazila and in so fixing, altering or merging, the Government shall ensure that the area of a Upazila is identical with the local area included in a Police Station.]
Existing sub-divisions maintained	(2) All existing sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.-Courts and Offices

Court of Sessions	<p>9.(1) The Government shall establish a Court of Session for every sessions division, and appoint a judge of such Court ¹⁵]; and the Court of Session for ¹⁶[a] Metropolitan Area shall be called the Metropolitan Court of Session.]</p> <p>(2) The Government may, by general or special order in the official Gazette, direct at what place or places the Court of Session shall hold its sitting; but, until such order is made, the Courts of Session shall hold their sittings as heretofore.</p> <p>(3) The Government may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.</p> <p>¹⁷[***]]</p> <p>¹⁸[(3A) The members of the Bangladesh Judicial Service shall be appointed as Sessions Judge, Additional Sessions Judge and Joint Sessions Judge in accordance with the rules framed by the President under the proviso to Article 133 of the constitution to exercise jurisdiction in one or more of such areas.]</p> <p>(4) A Sessions Judge of one sessions division may be appointed by the Government to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the Government may direct.</p> <p>(5) All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.</p>
Executive Magistrates	<p>¹⁹[10.(1) In every district and in every Metropolitan Area, the Government shall appoint as many persons as it thinks fit to be Executive Magistrates and shall appoint one of them to be the District Magistrate.</p> <p>(2) The Government may also appoint any Executive Magistrate to be an Additional District Magistrate, and such Additional District Magistrate shall have all or any of the powers of a District Magistrate under this Code or under any other law for the time being in force, as the Government may direct.</p> <p>(3) Whenever in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive in the administration of the district, such officer shall, pending the orders of the Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.</p> <p>(4) The Government may, or subject to the control of the Government, the District Magistrate may, from time to time, by order define local areas within which the Executive Magistrate may exercise all or any of the powers with which they may be invested under this Code and, except as otherwise provided by such definition, the jurisdiction and powers of every such Executive Magistrate shall extend throughout the district.</p> <p>(5) The Government may, if it thinks expedient or necessary, appoint any persons employed in the Bangladesh Civil Service (Administration) to be an Executive Magistrate and confer the powers of an Executive Magistrate on any such member.</p> <p>(6) Subject to the definition of the local areas under sub-section (4) all persons appointed as Assistant Commissioners, Additional Deputy Commissioners or Upazila Nirbahi Officer in any District or Upazila shall be Executive Magistrates and may exercise the power of Executive Magistrate within their existing respective local areas.</p> <p>(7) Nothing in this section shall preclude the Government from conferring, under any law for the time in force, on a Commissioner of Police, all or any of the powers of an executive Magistrate in relation to a Metropolitan area.]</p>
Judicial Magistrates	<p>²⁰[11. (1) In every district outside a Metropolitan Area, the Chief Judicial Magistrates, Additional Chief Judicial Magistrates and other Judicial Magistrates shall be appointed from the persons employed in the Bangladesh Judicial service in accordance with the rules framed by the President under the proviso to Article 133 of the constitution.</p> <p>(2) An Additional Chief Judicial Magistrate shall have all or any of the powers of the Chief Judicial Magistrate under this Code or any other law for the time being in force, as the Government may direct.</p> <p>²¹[(2A) The Government may, by general or special order in the official Gazette, direct at what place or places the Court of Chief Judicial Magistrate, Additional Chief Judicial Magistrate and other Judicial Magistrates shall hold its sitting.]</p> <p>(3) The Government may, or subject to the general or special orders issued by the Government in consultation with the High Court Division, the Chief Judicial Magistrate may, from time to time, define local areas within which the Judicial Magistrates may exercise all or any of the powers with which they may be invested under this Code, and except as otherwise provided by such definition, the jurisdiction and powers of every such Magistrate shall extend throughout the district.</p> <p>(4) Notwithstanding anything contained in this section, the Government may require any Executive Magistrate to perform the functions of a Judicial Magistrate for a period to be determined in consultation with the High Court Division and during such period, the Magistrate shall not perform the functions of an Executive Magistrate.]</p>
Special Magistrate	²² [12. (1) The Government may confer upon any person all or any of the powers conferred or conferrable by or under this Code on an Executive Magistrate in respect of particular cases or a particular class or classes of cases, or in regard to cases generally in any local area outside a Metropolitan area:

	<p>Provided that no power shall be conferred under the sub-section on any police officer below the grade of an Assistant Superintendent of Police and no powers shall be conferred on a such police officer except so far as may be necessary for preserving the peace, preventing crime and detecting apprehending and detaining offenders, in order to bring the offender before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.</p> <p>(2) The persons on whom the powers under sub-section (1) are conferred shall be called Special Executive Magistrates and shall be appointed for such term as the Government may by general or special order direct.</p> <p>(3) The Government may, in consultation with the High Court Division confer upon any Magistrate all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate of the first, second or third class in respect of particular cases or a particular class or classes of cases or in regard to cases generally in any local area outside a Metropolitan area.</p> <p>(4) The Magistrate on whom the powers under sub-section (3) are conferred shall be called Special Magistrates and shall be appointed for such term as the Government may, in consultation with the High Court Division, by general or special order direct.</p> <p>(5) The Government may in consultation with the High Court Division confer upon any Metropolitan Magistrate all or any of the powers conferred or conferrable by or under this Code on Metropolitan Magistrate in respect of particular cases or a particular class or classes, or in regard to cases generally in any Metropolitan Area.</p> <p>(6) The persons on whom the powers under sub-section (5) are conferred shall be called Special Metropolitan Magistrates and shall be appointed for such term as the Government may in consultation with High Court Division by general or special order direct.]</p>
Benches of Magistrates	15.(1) The Government may direct any two or more Magistrates in any place ²³ [outside ²⁴ [a] Metropolitan Area] to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or, such classes of cases only, and within such local limits, as the Government thinks fit.
Powers exercisable by Bench in absence of special direction	(2) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.
Power to frame rules for guidance of Benches	<p>16. The Government may, or, subject to the control of the Government, the ²⁵[Chief Judicial Magistrate] may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any district respecting the following subjects:-</p> <p>(a) the classes of cases to be tried;</p> <p>(b) the times and places of sitting;</p> <p>(c) the constitution of the Bench for conducting trials;</p> <p>(d) the mode of settling differences of opinion which may arise between the Magistrates in session.</p>
Subordination of Executive, Judicial and Metropolitan Magistrates.	<p>²⁶[17. (1) All Executive Magistrate appointed under section 10 and 12 (1) shall be subordinate to the District Magistrate who, from time to time, give special order consistent with this Code as to the distribution of business among such Magistrates.</p> <p>(2) All Judicial Magistrates appointed under section 11 and 12 (3) and all Benches constituted under section 15 shall be subordinate to the Chief Judicial Magistrate who may, from time to time give special orders consistent with this Code and rules made by the Government under section 16 as to the distribution of business among Magistrates and Benches.</p> <p>(3) All Metropolitan Magistrates including Additional Chief Metropolitan Magistrate, and Special Metropolitan Magistrate appointed under section 12 (5) and Benches constituted under section 19, shall be subordinate to the chief Metropolitan Magistrate, who may, from time to time, give special orders consistent with this Code and rules made by the Government under section 16 as to the distribution of business among such Magistrates and Benches.</p> <p>(4) All Judicial Magistrates including the Chief Judicial Magistrate shall be subordinate to the Sessions Judge and all Metropolitan Magistrates including the Chief Metropolitan Magistrate shall be subordinate to the Metropolitan Sessions Judge.</p>
Subordination of Joint Sessions Judges	<p>²⁷[17A. (1) All Joint Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and the Sessions Judge may, from time to time, make rules or give special orders consistent with this Code as the distribution of business among such joint Sessions Judges.</p> <p>(2)The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Joint Sessions Judge and such Judge shall have jurisdiction to deal with any such application.]</p>
D.-Courts of Metropolitan Magistrates	
Appointment of Metropolitan Magistrates	<p>18. ²⁸[(1) In every Metropolitan Area, the Chief Metropolitan Magistrate, Additional Chief Metropolitan Magistrate and other Metropolitan Magistrates shall be appointed from among the persons employed in the Bangladesh Judicial Service.]</p> <p>(2) The Government may appoint one or more Additional Chief Metropolitan Magistrates, and such Additional Chief Metropolitan Magistrates shall have all or any of the powers of the Chief Metropolitan Magistrate under this Code or under any other law for the time being in force, as the Government may direct.</p> <p>²⁹[***]</p>
Benches	19. Any two or more of Metropolitan Magistrates may, subject to the rules made by the Chief Metropolitan Magistrate, sit together as Bench.
Local limits of jurisdiction	20. Every Metropolitan Magistrate shall exercise juris-diction in all places within ³⁰ [a] Metropolitan Area for which he is appointed.
Chief Metropolitan	21.(1) The Chief Metropolitan Magistrate shall exercise within the local limits of his jurisdiction all the powers ³¹ [conferred on him or on a Metropolitan Magistrate under this Code, or under any law for the time being in force] and may, from time to time,

Magistrate	<p>with the previous sanction of the Government, make rules consistent with this Code to regulate-</p> <p>(a) the conduct and distribution of business and the practice in the Courts of Metropolitan Magistrates;</p> <p>(b) the constitution of Benches of Metropolitan Magistrates;</p> <p>(c) the times and places at which such Benches shall sit;</p> <p>(d) the mode of settling differences of opinion which may arise between Metropolitan Magistrates in session; and</p> <p>(e) any other matter which could be dealt with by a ³²[Chief Judicial Magistrate] under his general powers of control over the Magistrates subordinate to him.</p> <p>³³[***]</p>
E.-Justices of the Peace	
Justice of the peace for the mafassal	22. ³⁴ [The Government] may, by notification in the official Gazette, appoint such persons resident within Bangladesh and not being the subjects of any foreign State as it thinks fit to be Justices of the Peace within and for the local area mentioned in such notification.
Repealed	23 and 24. [Repealed by section 4 of the Criminal Law Amendment Act, 1923 (Act No. XII of 1923).]
Ex-officio Justices of the Peace.	25. In virtue of their respective offices, the Judges of the ³⁵ [Supreme Court] are Justices of the Peace within and for of the whole of Bangladesh, Sessions Judges, ³⁶ [Chief Judicial Magistrate] and Metropolitan Magistrates] are Justices of the Peace within ³⁷ [their respective jurisdictions].
F.-Suspension and Removal	
Repealed	26 and 27. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]
CHAPTER III	
POWERS OF COURTS	
A.-Description of Offences cognizable by each Court	
Offences under Penal Code	<p>28. Subject to the other provisions of this Code any offence under the Penal Code may be tried-</p> <p>(a) by the High Court Division, or</p> <p>(b) by the Court of Session, or</p> <p>(c) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.</p> <p>Illustration</p> <p>A is ³⁸[tried by] the Sessions Court on a charge of culpable homicide. He may be convicted of voluntarily causing hurt, an offence triable by a Magistrate.</p>
Offences under other laws	<p>29.(1) Subject to the other provisions of this Code, any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.</p> <p>(2) When no Court is so mentioned, it may be tried ³⁹[* * *] subject as aforesaid by any Court constituted under this Code by which such offence is shown in the eighth column of the second schedule to be triable.</p>
Omitted	29A. [Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]
Jurisdiction in the case of juveniles	⁴⁰ [29B. Any offence, other than one punishable with death or transportation for life, committed by any person who at the date when he appears or is brought before the Court is under the age of fifteen years, may be tried by ⁴¹ [Chief Judicial Magistrate] ⁴² [or the Chief Metropolitan Magistrate], or by any Magistrate specially empowered by the Government to exercise the powers conferred by ⁴³ [or under any law] providing for the custody, trial or punishment of youthful offenders, by any Magistrate empowered by or under such law to exercise all or any of the powers conferred thereby.]
Offences not punishable with death	<p>⁴⁴[29C. Notwithstanding anything contained in section 29, the Government may ⁴⁵[in consultation with the High Court Division]-</p> <p>(a) invest the ⁴⁶[Chief Metropolitan Magistrate,] ⁴⁷[Chief Judicial Magistrate or any Additional Chief Judicial Magistrate] with power to try as a Magistrate all offences not punishable with death;</p> <p>(b) invest ⁴⁸[Metropolitan Magistrate or] any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death or with transportation or with imprisonment for a term exceeding ten years.]</p>
Omitted	30. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]
B.-Sentences which may be passed by courts of various Classes	
Sentences which High Court Division and Sessions Judges may pass	<p>31.(1) ⁴⁹[The High Court Division] may pass any sentence authorized by law.</p> <p>(2) A Sessions Judge or Additional Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court Division.</p> <p>(3) A ⁵⁰[Joint] Sessions Judge may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding ⁵¹[ten] years or of imprisonment for a term exceeding ⁵²[ten] years.</p> <p>⁵³[***]</p>
Sentences which Magistrates may pass	<p>32.(1) The Courts of Magistrates may pass the following sentences namely:-</p> <p>(a) Courts ⁵⁴[of Metropolitan Magistrates and] of Magistrates of the first class: Imprisonment for a term not exceeding ⁵⁵[five] years], including such solitary confinement as is authorized by law;</p> <p>Fine not exceeding ⁵⁶[ten thousand taka]; Whipping.</p>

- (b) Courts of Magistrates of the second class: Imprisonment for a term not exceeding ⁵⁷[three years], including such solitary confinement as is authorized by law;
Fine not exceeding ⁵⁸[five thousand taka];
- (c) Courts of Magistrates of the third class: Imprisonment for a term not exceeding ⁵⁹[two year];
Fine not exceeding ⁶⁰[two thousand taka].
- (2) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

Power of Magistrates to sentence to imprisonment in default of fine 33.(1) The Court of any Magistrate may award such terms of imprisonment in default of payment of fine as is authorized by law in case of such default:

Higher powers of certain Magistrates ⁶¹[33A. The Court of a Magistrate, specially empowered under section 29C, may pass any sentence authorized by law, except a sentence of death or of transportation or imprisonment for a term exceeding seven years.]

Proviso as to certain cases Provided that-

(a) the term is not in excess of the Magistrate's powers under this Code;

(b) in any case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Omitted 34. [Omitted by section 2 and Schedule of the [Law Reforms Ordinance, 1978](#) (Ordinance No. XLIX of 1978).]

Omitted 34A. [Omitted by Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

B.-Sentences which may be passed by courts of various Classes

Sentence in cases of conviction of several offences at one trial 35.(1) When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Penal Code sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments, when consisting of imprisonment or transportation to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

(2) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided as follows:-

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years;

(b) if the case is tried by a Magistrate ⁶²[* * *], the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

(3) For the purpose of appeal, the aggregate of consecutive sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

B.-Sentences which may be passed by courts of various Classes

Deduction of imprisonment in cases where convicts may have been in custody ⁶³[35A.(1) Except in the case of an offence punishable only with death, when any court finds an accused guilty of an offence and, upon conviction, sentences such accused to any term of imprisonment, simple or rigorous, it shall deduct from the sentence of imprisonment, the total period the accused may have been in custody in the meantime, in connection with that offence.

(2) If the total period of custody prior to conviction referred to in sub-section (1) is longer than the period of imprisonment to which the accused is sentenced, the accused shall be deemed to have served out the sentence of imprisonment and shall be released at once, if in custody, unless required to be detained in connection with any other offence; and if the accused is also sentenced to pay any fine in addition to such sentence, the fine shall stand remitted.]

C.-Ordinary and Additional Powers

Ordinary powers of Magistrates 36. All ⁶⁴[Judicial and Executive Magistrate] have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

Additional powers conferrable on Magistrates. ⁶⁵[37. In addition to his ordinary powers, any Judicial or Executive Magistrate may be invested by the Government or the Chief Judicial Magistrate or the District Magistrate, as the case may be, with any powers specified in the schedule IV: Provided that, the Government may authorize a District Magistrate to invest any Executive Magistrate subordinate to him with any of its powers specified in the schedule IV: Provided further that any Judicial Magistrate may be invested with such additional powers in consultation with the High Court Division.]

Control of District Magistrates investing power 38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Government.

D.-Conferment, Continuance and Cancellation of Powers

Mode of conferring powers	<p>39.(1) In conferring powers under this Code the Government may by order, empower persons specially by name or in virtue of their office or classes of officials generally by their official titles.</p> <p>(2) Every such order shall take effect from the date on which it is communicated to the person so empowered.</p>
Powers of officers appointed	<p>40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is appointed to an equal or higher office of the same nature, within a like local area ⁶⁶["***"], he shall, unless the Government otherwise directs, or has otherwise directed, exercise the same powers in the local area in which he is so appointed.</p>
Withdrawal of powers.	<p>⁶⁷[41.(1)The Government may withdraw all or any of the powers conferred under this Code on any person by it or by any officer subordinate to it:</p> <p>Provided that where the conferring of a power is, under this code, required to be made in consultation with the High Court Division, the withdrawal thereof shall be made in consultation with that Court.</p> <p>(2) Any powers conferred by the Chief Judicial Magistrate or the District Magistrate may be withdrawn by the chief Judicial Magistrate or the District Magistrate respectively.]</p>
PART III	
GENERAL PROVISIONS	
CHAPTER IV	
OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS	
Public when to assist	<p>42. Every person is bound to assist ⁶⁸[any Magistrate whether Judicial or Executive] or police officer reasonably demanding his aid,-</p> <p>(a) in the taking or preventing the escape of any other person whom such Magistrate or police-officer is authorized to arrest;</p> <p>(b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property.</p>
Aid to person, other than police-officer, executing warrant	<p>43. When a warrant is directed to a person other than a police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.</p>
Public to give information of certain offences	<p>44.(1) Every person, aware of the commission of, or of the intention of any other person to commit any offence punishable under any of the following sections of the Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 143, 144, 145, 147, 148, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police-officer of such commission or intention.</p> <p>(2) For the purposes of this section the term "offence" includes any act committed at any place out of Bangladesh which would constitute an offence if committed in Bangladesh.</p>
Village-headmen, accountants, landholders and others bound to report certain matters.	<p>45.(1) Every village-headman, village-accountant, village watchman, village police-officer, owner or occupier of land, and the agent of any such owner or occupier in charge of the management of that land, and every officer employed in the collection of revenue or rent of land on the part of the Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station whichever is the nearer, any information which he may possess respecting-</p> <p>(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman , accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;</p> <p>(b) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender;</p> <p>(c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147, or 148 of the Penal Code;</p> <p>(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances; or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;</p> <p>(e) the commission of, or intention to commit, at any place out of Bangladesh near such village any act which, if committed in Bangladesh, would be an offence punishable under any of the following sections of the Penal Code, namely, 231, 232, 233, 234, 235, 236, 237, 238, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C, and 489D;</p> <p>(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Government, has directed him to communicate information.</p> <p>(2) In this section-</p> <p>(i) "village" includes village-lands; and</p> <p>(ii) the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority established or continued by the Government in any part of Bangladesh, in respect of any act which if committed in Bangladesh, would be punishable under any of the following sections of the Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.</p>
Appointment of village-headman by District Magistrate	<p>(3) Subject to rules in this behalf to be made by the Government, the District Magistrate ⁷⁰["***"] may from time to time appoint one or more persons with his or their consent to perform the duties of a village-headman under this section whether a village-headman has or has not been appointed for that village under any other law.</p>

⁶⁹[***] in certain cases
for purposes of this
section

CHAPTER V OF ARREST, ESCAPE AND RETAKING

A.-Arrest generally

Arrest how made	46.(1) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.
Resisting endeavour to arrest	(2) If such person forcibly resists the endeavor to arrest him, or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest. (3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with ⁷¹ [transportation for life].
Search of place entered by person sought to be arrested	47. If any person acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.
Procedure where ingress not obtainable	48. If ingress to such place cannot be obtained under section 47 it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance:
Breaking open zanana	Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.
Power to break open doors and windows for purposes of liberation	49. Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.
No unnecessary restraint	50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.
Search of arrested persons	51. Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and Whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him.
Mode of searching women	52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.
Power to seize offensive weapons	53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B.-Arrest without Warrant

When police may arrest without warrant	54.(1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest- <i>firstly</i> , any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned; <i>secondly</i> , any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking; <i>thirdly</i> , any person who has been proclaimed as an offender either under this Code or by order of the Government; <i>fourthly</i> , any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; <i>fifthly</i> , any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; <i>sixthly</i> , any person reasonably suspected of being a deserter from the armed forces of Bangladesh ⁷² [* * *]; <i>seventhly</i> , any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in Bangladesh; <i>eighthly</i> , any released convict committing a breach of any rule made under section 565, sub-section (3);
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	<i>ninthly</i> , any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.
Arrest of vagabonds, habitual robbers, etc.	55.(1) Any officer in Charge of a police-station may, in like manner, arrest or cause to be arrested- (a) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view committing a cognizable offence; or (b) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or (c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.
Procedure when police-officer deposes subordinate to arrest without warrant	56.(1) When any officer in charge of a police-station or any police-officer making an investigation under Chapter XIV requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. The officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order.
Refusal to give name and residence	57.(1) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained. (2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required: Provided that, if such person is not resident in Bangladesh, the bond shall be secured by a surety or sureties resident in Bangladesh. (3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.
Pursuit of offenders into other jurisdictions	58. A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this Chapter, pursue such person into any place in Bangladesh.
Arrest by private persons and procedure on such arrest	59.(1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and without unnecessary delay, shall make over any person so arrested to a police-officer, or, in the absence of a police-officer, take such person or cause him to be taken in custody to the nearest police-station. (2) If there is reason to believe that such person comes under the provisions of section 54, a police-officer shall re-arrest him. (3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.
Person arrested to be taken before Magistrate or officer in charge of police-station	60. A police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police-station.
Person arrested not to be detained more than twenty-four hours	61. No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.
Police to report apprehensions.	62. Officers in charge of police-stations shall report ⁷³ [in ⁷⁴ [a] Metropolitan Area, to the Chief Metropolitan Magistrate, and in other areas, to the District Magistrate, ⁷⁵ [and also to the Chief Judicial Magistrate] the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.
Discharge of person apprehended	63. No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.
Offence committed in Magistrate's presence	64. When any offence is committed in the presence of a Magistrate ⁷⁶ [whether Executive or Judicial] within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail commit the offender to custody.
Arrest by or in presence of Magistrate.	65. Any Magistrate ⁷⁷ [whether Executive or Judicial] may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.
Power, on escape, to pursue and retake	66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in Bangladesh.
Provisions of sections 47, 48 and 49 to apply to arrest under section 66	67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

CHAPTER VI OF PROCESSES TO COMPEL APPEARANCE

A.-Summons

Form of summons	68.(1) Every summons issued by a Court under this Code shall be in writing in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the ⁷⁹ [Supreme Court] may, from time to time, by rule, direct.
Summons by whom served	(2) Such summons shall be served by a police-officer, or subject to such rules as the Government may prescribe in this behalf, by an officer of the Court issuing it or other public servant.
Summons how served	69.(1) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.
Signature of receipt for summons	(2) Every person on whom a summons is so served shall if so required by the serving officer, sign a receipt therefor on the back of the other duplicate. (3) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered post letter addressed to the chief officer of the corporation in Bangladesh. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.
Service when person summoned cannot be found	70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.
Procedure when service cannot be effected as before provided	71. If service in the manner mentioned in sections 69 and 70 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.
Service on servant of Republic	72.(1) Where the person summoned is in the active service of the ⁷⁹ [Republic], the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court under his signature with the endorsement required by that section. (2) Such signature shall be evidence of due service.
Service of summons outside local limits	73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.
Proof of service in such cases and when serving officer not present	74.(1) When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved. (2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.-Warrant of Arrest

Form of warrant of arrest Continuance of warrant of arrest	75.(1) Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or in the case of a Bench of Magistrates, by any member of such Bench, and shall bear the seal of the Court. (2) Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.
Recognizance to be forwarded	(3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the Court.
Court may direct security to be taken	76.(1) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody. (2) The endorsement shall state- (a) the number of sureties; (b) the amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound; and (c) the time at which he is to attend before the Court.
Warrants to whom directed	77.(1) A warrant of arrest shall ordinarily be directed to one or more police-officers, ⁸⁰ [and, when issued by a Metropolitan Magistrate, shall always be so directed; but any other Court] issuing such a warrant may, if its immediate execution is necessary and no police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.
Warrants to several persons	(2) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.
Warrant may be directed to landholders, etc.	78.(1) ⁸¹ [Magistrate of the first class] may direct a warrant to any landholder, farmer or manager of land within his ⁸² [local Jurisdiction] for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

	<p>(2) Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued, is in, or enters on, his land or farm, or the land under his charge.</p> <p>(3) When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.</p>
Warrant directed to police-officer	79. A warrant directed to any police-officer may also be executed by any other police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.
Notification of substance of warrant	80. The police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so require, shall show him the warrant.
Person arrested to be brought before Court without delay	81. The police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.
Where warrant may be executed	82. A warrant of arrest may be executed at any place in Bangladesh.
Warrant forwarded for execution outside jurisdiction	<p>83.(1) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any ⁸³[Executive Magistrate or District Superintendent of Police] ⁸⁴[or, the Police Commissioner in ⁸⁵[a Metropolitan Area]] within the local limits of whose jurisdiction it is to be executed.</p> <p>(2) The Magistrate or District Superintendent ⁸⁶[or Police Commissioner] to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction.</p>
Warrant directed to police-officer for execution outside jurisdiction	<p>84.(1) When a warrant directed to a police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to ⁸⁷[an Executive Magistrate] or to a police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.</p> <p>(2) Such Magistrate or police-officer shall endorse his name thereon and such endorsement shall be sufficient authority to the police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.</p> <p>(3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police-officer within the local limits of whose jurisdiction the warrant is to be executed, will prevent such execution, the police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.</p>
Procedure on arrest of person against whom warrant issued	85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest or is nearer than ⁸⁸ [the Executive Magistrate] or District Superintendent of Police ⁸⁹ [or the Police Commissioner in ⁹⁰ [a Metropolitan Area]] within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or ⁹¹ [Police Commissioner or District Superintendent of Police].
Procedure by Magistrate before whom person arrested is brought.	<p>86.(1) ⁹²[Such Executive Magistrate or] ⁹³[District Superintendent of Police] ^{3⁹⁴}[or Police Commissioner] shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:</p> <p>Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, ⁹⁵[District Superintendent of Police] ^{3⁹⁶}[or Police Commissioner] or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction the Magistrate, ⁹⁷[District Superintendent of Police] ^{3⁹⁸}[or Police Commissioner] shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant ⁹⁹:</p> <p>Provided further that, if the offence is a non-bailable offence or no direction has been endorsed under section 76 on the warrant, the Sessions Judge or The Metropolitan Sessions Judge, the Chief Judicial Magistrate or the Chief Metropolitan Magistrate or a Magistrate of the first class Specially empowered in this behalf, in whose local jurisdiction the person is arrested, may, subject to the provisions of section 497 and for reasons to be recorded in writing, release the person on an interim bail on such bond or security as the Judge or the Magistrate thinks fit and direct the person to appear by a specified date before the Court which issued the warrant and forward the bond to that Court.]</p> <p>(2) Nothing in this section shall be deemed to prevent a police-officer from taking security under section 76.</p>
C.-Proclamation and Attachment	
Proclamation for person absconding	<p>87.(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.</p> <p>(2) The proclamation shall be published as follows:-</p> <p>(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;</p> <p>(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village; and</p> <p>(c) a copy thereof shall be affixed to some conspicuous part of the Court-house.</p> <p>(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.</p>

**Attachment of
property of person
absconding**

88.(1) The Court issuing a proclamation under section 87 may at any time order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person.

(2) Such order shall authorize the attachment of any property belonging to such person within the ¹⁰⁰[local area] in which it is made; and it shall authorize the attachment of any property belonging to such person without such ¹⁰¹[local area] when endorsed by the District Magistrate ¹⁰²[Chief Judicial Magistrate] ¹⁰³[or Chief Metropolitan Magistrate] within whose ¹⁰⁴[local area] such property is situate.

(3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made-

(a) by seizure; or

(b) by the appointment of a receiver; or

(c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(d) by all or any two of such methods, as the Court thinks fit.

(4) If the property ordered to be attached is immovable, the attachment under this section shall, in the case of land paying revenue to the Government, be made through the Collector of the district in which the land is situate, and in all other cases-

(e) by taking possession; or

(f) by the appointment of a receiver; or

(g) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(h) by all or any two of such methods, as the Court thinks fit.

(5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under ¹⁰⁵[Order XL of the First Schedule to the [Code of Civil Procedure, 1908](#)].

(6A) If any claim is preferred to, or objection made to the attachment of, any property attached under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property, and that such interest is not liable to attachment under this section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part:

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

(6B) Claims or objections under sub-section (6A) may be preferred or made in the Court by which the order of attachment is issued or, if the claim or objection is in respect of property attached under an order endorsed by a District Magistrate, ¹⁰⁶[Chief Judicial Magistrate] ¹⁰⁷[or Chief Metropolitan Magistrate] in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

(6C) Every such claim or objection shall be inquired into by the Court in which it is preferred or made:

Provided that, if it is preferred or made in the Court of a ¹⁰⁸[Chief Judicial Magistrate] ¹⁰⁹[or Chief Metropolitan Magistrate] such Magistrate may make it over for disposal to any Magistrate ¹¹⁰[***] [or to any Metropolitan Magistrate, as the case may be] subordinate to him.

(6D) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (6A) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

(6E) If the proclaimed person appears within the time specified in the proclamation, the Court shall make an order releasing the property from the attachment.

(7) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of the Government, but it shall not be sold until the expiration of six months from the date of the attachment and until any claim preferred or objection made under sub-section (6A) has been disposed of under that sub-section, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

**Restoration of
attached property**

89. If, within two years from the date of the attachment any person whose property is or has been at the disposal of the Government, under sub-section (7) of section 88, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.-Other Rules regarding Processes

**Issue of warrant in
lieu of, or in addition
to, summons**

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person ¹¹¹[* * *] issue, after recording its reasons in writing, a warrant for his arrest-

(a) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

**Power to take bond
for appearance**

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant, is present in such Court, such officer may require such person to execute a bond, with or without sureties, for his appearance in such Court.

**Arrest by breach of
bond for appearance**

92. When any person who is bound by any bond taken under this Code to appear before a Court, does not so appear, the officer presiding in such Court, may issue a warrant directing that such person be arrested and produced before him.

Provisions of this Chapter generally applicable to summonses and warrants of arrest

93. The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall so far as may be, apply to every summons and every warrant of arrest issued under this Code.

E.-Special Rules regarding processes issued for service or execution

Sending of warrants for execution outside Bangladesh

93B. Notwithstanding anything contained in section 82, where a Court in Bangladesh desires that a warrant issued by it for the arrest of an accused person shall be executed at any place outside Bangladesh within the local limits of the jurisdiction of a Court established or continued by the authority of the Government in exercise of its foreign jurisdiction, it may send such warrant, by post or otherwise, to the presiding officer of that Court to be executed.

Sending of summonses for service outside Bangladesh

93A.(1) Where a Court in Bangladesh desires that a summons issued by it to an accused person shall be served at any place outside Bangladesh within the local limits of the jurisdiction of a Court established or continued by the authority of the Government in exercise of its foreign jurisdiction, it shall send such summons, in duplicate, by post or otherwise, to the presiding officer of that Court to be served.
(2) The provisions of section 74 shall apply in the case of a summons sent for service under this section as if the presiding officer of the Court to whom it was sent were a Magistrate in Bangladesh.

Service and execution in Bangladesh of processes received from outside Bangladesh

93C.(1) Where a Court has received for service or execution a summons to, or a warrant for the arrest of, an accused person issued by a Court established or continued by the authority of the Government in exercise of its foreign jurisdiction, outside Bangladesh it shall cause the same to be served or executed as if it were a summons or warrant received by it from a Court in Bangladesh for service or execution within the local limits of its jurisdiction.
(2) Where any warrant of arrest has been so executed the person arrested shall so far as possible be dealt with in accordance with the procedure prescribed by sections 85 and 86.]

**CHAPTER VII
OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVABLE PROPERTY, AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED**

A.-Summons

Summons to produce document or other thing

94.(1) Whenever any Court, or any officer in charge of a police-station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order:
Provided that no such officer shall issue any such order requiring the production of any document or other thing which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (Act No. XVIII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except,-
(a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and sections 421 to 424 (both inclusive) and sections 465 to 477A (both inclusive) of the Penal Code, with the prior permission in writing of a Sessions Judge; and
(b) in other cases, with the prior permission in writing of the High Court Division.
(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.
(3) Nothing in this section shall be deemed to affect the [Evidence Act, 1872](#), sections 123 and 124, or to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams

95.(1) If any document, parcel or thing in such custody is, in the opinion of any District Magistrate, ¹¹²[Chief Judicial Magistrate] ¹¹³[Chief Metropolitan Magistrate] High Court Division or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document, parcel or thing to such person as such Magistrate or Court directs.
(2) If any such document, parcel or thing is, in the opinion of any ¹¹⁴[other Magistrate, whether Executive or Judicial] ¹¹⁵[Police Commissioner] or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, parcel or thing pending the orders of any such District Magistrate, ¹¹⁶[Chief Judicial Magistrate], [Chief Metropolitan Magistrate] or Court.

B.-Search-warrants

When search-warrant may be issued

96.(1) Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,
or where such document or thing is not known to the Court to be in the possession of any person,
or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,
it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.
(2) Nothing herein contained shall authorize any Magistrate other than a District Magistrate, ¹¹⁷[Chief Judicial Magistrate, as the case may be] [or Chief Metropolitan Magistrate] to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph authorities.

Power to restrict warrant

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the

	place or part so specified.
Search of house	<p>98.(1) If a District Magistrate,¹¹⁸[or an Executive Magistrate specially empowered by the Government in this behalf,] upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,</p> <p>or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,</p> <p>or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,</p> <p>or, if a District Magistrate, ¹¹⁹[or an Executive Magistrate specially empowered by the Government in this behalf,] upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit, sale, manufacture or production of any obscene object such as is referred to in section 292 of the Penal Code or that any such obscene objects are kept or deposited in any place; he may by his warrant authorize any police-officer above the rank of a constable-</p> <p>(a) to enter, with such assistance as may be required, such place, and</p> <p>(b) to search the same in manner specified in the warrant, and</p> <p>(c) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials or of any such obscene objects as aforesaid, and</p> <p>(d) to convey such property, documents, seals, stamps, coins, instruments or materials or such obscene objects before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and</p> <p>(e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials or such obscene objects knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging or the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported.</p> <p>(2) The provisions of this section with respect to-</p> <p>(a) counterfeit coin,</p> <p>(b) coin suspected to be counterfeit, and</p> <p>(c) instruments or materials for counterfeiting coin,</p> <p>shall, so far as they can be made applicable, apply respectively to-</p> <p>(a) pieces of metal made in contravention of the Metal Tokens Act, 1889, or brought into Bangladesh in contravention of any notification for the time being in force under ¹²⁰[section 16 of the Customs Act, 1969],</p> <p>(b) pieces of metal suspected to have been so made or to have been so brought into Bangladesh or to be intended to be issued in contravention of the former of those Acts, and</p> <p>(c) instruments or materials for making pieces of metal in contravention of that Act.</p>
Disposal of things found in search beyond jurisdiction	<p>99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made, are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.</p>
Application to High Court Division to set aside order of forfeiture	<p>99B. Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99A, may, within two months from the date of such order, apply to the High Court Division to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain ¹²¹[any such matter, word or visible representation,] as is referred to in sub-section (1) of section 99A.</p>
Hearing by Special Bench	<p>99C. Every such application shall be heard and determined by a Special Bench of the High Court Division composed of three Judges.</p>
Order of Special Bench setting aside forfeiture	<p>99D.(1) On receipt of the application, the Special bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained ¹²²[any such matter, word or visible representation] as is referred to in sub-section (1) of section 99A, set aside the order of forfeiture.</p> <p>(2) Where there is a difference of opinion among the judges forming the Special Bench the decision shall be in accordance with the opinion of the majority of those Judges.</p>
Evidence to prove nature or tendency of newspapers	<p>99E. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid or the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper in respect of which the order of forfeiture was made.</p>
Procedure in High Court Division	<p>99F. ¹²³[The Supreme Court] shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Courts in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.</p>
Jurisdiction barred	<p>99G. No order passed or action taken under section 99A shall be called in question in any Court otherwise than in accordance with the provisions of section 99B.]</p>
Power to declare certain publications	<p>¹²⁴ ¹²⁵[99A.(1) Where any newspaper, or book or any document wherever printed, appears to the Government to contain-</p>

forfeited and to issue search warrants for the same

- (a) any matter the publication of which is punishable under section 123A or section 124A or section 153A or section 292 or section 295A or section 505 or section 505A of the Penal Code (Act XLV of 1860), or
- (b) any matter which is defamatory of the President of Bangladesh, ¹²⁶[[***], the Prime Minister of the Government, the Speaker of Parliament or the Chief Justice of Bangladesh, or
- (c) any matter which is grossly in-docent or is scurrilous or obscene, or
- (d) any words or visible representations which incite, or which are likely to incite, any person or class of persons to commit any cognizable offence,
- the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, words or visible representations, and every copy of such book or other document to be forfeited to Government, and thereupon any police-officer may seize the same wherever found in Bangladesh and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.
- (2) In sub-section (1), "newspaper", "book" and "document" have the same meaning as in the [Printing Presses and Publications \(Declaration and Registration\) Act, 1973](#) (XXIII of 1973).]

C.-Discovery of Persons Wrongfully Confined

Search for persons wrongfully confined.

100. If any ¹²⁷[Metropolitan Magistrate], Magistrate of the first class or ¹²⁸[or an Executive Magistrate] has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.-General Provisions Relating to Searches

Direction, etc., of search-warrants

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply, to all search-warrants issued under section 96, section 98, section 99A or section 100.

Persons in charge of closed place to allow search

102.(1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of section 52 shall be observed.

Search to be made in presence of witnesses

103.(1) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them so to do.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend

(3) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

(4) When any person is searched under section 102, sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

(5) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Penal Code.

E.- Miscellaneous

Power to impound document, etc., produced

104. Any Court may, if it thinks fit, impound any document or thing produced before it under this Code.

Magistrate may direct search in his presence

105. ¹²⁹[Any Magistrate, whether Executive or Judicial] may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

PART IV

PREVENTION OF OFFENCES

CHAPTER VIII

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

A.-Security for keeping the Peach on Conviction

Security for keeping the peach on conviction

106.(1) Whenever any person accused of any offence punishable under Chapter VIII of the Penal Code, other than an offence punishable under section 143, section 149, section 153A or section 154 thereof, or of assault or other offence involving a breach of the peace, or of abetting the same, or any person accused of committing criminal intimidation, is convicted of such offence before High Court Division, a Court of Session, or the Court of ¹³⁰[a Metropolitan Magistrate],

¹³¹["*"] or a Magistrate of the first class, and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace, such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(3) An order under this section may also be made by an Appellate Court ¹³²["*"] or by the High Court Division when exercising its powers of revision.

B.-Security for keeping the peace in the Cases and Security for Good Behaviour

Security for keeping the peace in other cases

107.(1) Whenever ¹³³[a District Magistrate or any other Executive Magistrate] is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate if in his opinion there is sufficient ground for proceeding may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

(2) Proceedings shall not be taken under this section unless either the person informed against or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction, and no proceedings shall be taken before any Magistrate, ¹³⁴[other than the] ¹³⁵["*"] District Magistrate, unless both the person informed against and the place where the breach of the peace or disturbance is apprehended, are within the local limits of the Magistrate's jurisdiction.

Procedure of Magistrate not empowered to act under sub-section (1)

(3) When any Magistrate not empowered to proceed under sub-section (1) has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and that such breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons.

(4) A Magistrate before whom a person is sent under sub-section (3) may in his discretion detain such person in custody pending further action by himself under this Chapter.

Security for good behaviour from persons disseminating seditious matter

108. ¹³⁶[Whenever the ¹³⁷[District Magistrate, or any other Executive Magistrate]] specially empowered by the Government in this behalf, has information that there is within the limits of his jurisdiction any person who, within or without such limits, either orally or in writing or in any other manner intentionally disseminates or attempts to disseminate, or in anywise abets the dissemination of,-

(a) any seditious matter, that is to say, any matter the publication of which is punishable under section 123A or section 124A of the Penal Code, or

(b) any matter the publication of which is punishable under section 153A of the Penal Code, or

(c) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Penal Code, such Magistrate, if in his opinion there is sufficient ground for proceeding may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the [provisions of the Printing Presses and Publications (Declaration and Registration) Act, 1973], with reference to any matters contained in such publication except by the order or under the authority of the Government or some officer empowered by the Government in this behalf.

Security for good behaviour from vagrants and suspected persons

109. Whenever ¹³⁸[District Magistrate or an Executive Magistrate] receive information-

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders

110. Whenever a ¹³⁹[District Magistrate, or any other Executive Magistrate] specially empowered in this behalf by the Government receives information that any person within the local limits of his jurisdiction-

(a) is by habit a robber, house-breaker, thief, or forger, or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids, in the concealment or disposal of stolen property, or

(d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Penal Code, or under section 489A, section 489B, section 489C or section 489D of that Code, or

(e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(f) is so desperate and dangerous as to render his being at large without security hazardous to the community, such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

Repealed

111. [Repealed by section 8 of the Criminal Law Amendment Act, 1923 (Act No. XII of 1923).]

Order to be made

112. When a Magistrate acting under section 107, section 108, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court	113. If the person in respect of whom such order is made is present in Court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.
Summons or warrant in case of person not so present	114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court: Provided that whenever it appears to such Magistrate, upon the report of a police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.
Copy of order under section 112 to accompany summons or warrant	115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.
Power to dispense with personal attendance	116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.
Inquiry as to truth of information	117.(1) When an order under section 112 has been read or explained under section 113 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant, issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary. (2) Such inquiry shall be made, as nearly as may be practicable where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials and recording evidence in summons-cases; and where the order requires security for good behaviour in the manner hereinafter prescribed for conducting trials and recording evidence in warrant-cases, except that no charge need be framed. (3) Pending the completion of the inquiry under sub-section (1) the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquillity or the commission of any offence or for the public safety, may, for reasons to be recorded in writing, direct the person in respect of whom the order under section 112 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or, in default of execution, until the inquiry is concluded: Provided that:- (a) no person against whom proceedings are not being taken under section 108, section 109, or section 110, shall be directed to execute a bond for maintaining good behaviour, and (b) the conditions of such bond, whether as to the amount thereof or as to the provision of sureties of the number thereof or the pecuniary extent of their liability, shall not be more onerous than those specified in the order under section 112. (4) for the purposes of this section the fact that a person is an habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved by evidence of general repute or otherwise. (5) Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.
Order to give security	118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties the Magistrate shall make an order accordingly: Provided- <i>firstly</i> , that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112: <i>secondly</i> , that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive: <i>thirdly</i> , that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.
Discharge of person informed against	119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made, should execute a bond, the Magistrate shall make an entry on the record to that effect, and if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.
C.-Proceedings in all Cases subsequent to Order to furnish Security	
Commencement of period for which security is required	120.(1) If any person, in respect of whom an order requiring security is made under section 106 or section 118, is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment the period for which such security is required shall commence on the expiration of such sentence. (2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.
Contents of bond	121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.
Power to reject sureties	122.(1) A Magistrate may refuse to accept any surety offered, or may reject any surety previously accepted by him or his predecessor under this Chapter on the ground that such surety is an unfit person for the purposes of the bond:

	<p>Provided that, before so refusing to accept or rejecting any such surety, he shall either himself hold an inquiry on oath into the fitness of the surety, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.</p> <p>(2) Such Magistrate shall, before holding inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall in making the inquiry record the substance of the evidence adduced before him.</p> <p>(3) If the Magistrate is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub-section (1), and the report of such Magistrate (if any) that the surety is an unfit person for the purposes of the bond, he shall make an order refusing to accept or rejecting, as the case may be, such surety and recording his reasons for so doing:</p> <p>Provided that, before making an order rejecting any surety who has previously been accepted, the Magistrate shall issue his summons or warrant, as he thinks fit, and cause the person for whom the surety is bound to appear or to be brought before him.</p>
Imprisonment in default of security	123.(1) If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it.
Kind of imprisonment	<p>(5) Imprisonment for failure to give security for keeping the peace shall be simple.</p> <p>(6) Imprisonment for failure to give security for good behaviour shall, where the proceedings have been taken under section 108 be simple and, where the proceedings have been taken under section 109 or section 110, be rigorous or simple as the Court or Magistrate in each case directs.</p>
Proceedings when to be laid before High Court Division or Court of Sessions	<p>(2) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Sessions Judge; and the proceedings shall be laid, as soon as conveniently may be, before such Judge.</p> <p>(3) The Sessions Judge, after examining such proceedings and requiring from the Magistrate any further information or evidence which he thinks necessary, may pass such order on the case as he thinks fit:</p> <p>Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.</p> <p>(3A) If security has been required in the course of the same proceedings from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge under sub-section (2), such reference shall also include the case of any other of such persons who has been ordered to give security, and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other person also, except that the period (if any) for which he may be imprisoned shall not exceed the period for which he was ordered to give security.</p> <p>(3B) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (3A) to an Additional Sessions Judge or ¹⁴⁰[Joint] Sessions Judge and upon such transfer, such Additional Sessions Judge or ¹⁴¹[Joint] Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings</p> <p>(4) If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.</p>
Power to release persons imprisoned for failing to give security	<p>124.(1) Whenever the District Magistrate ¹⁴²[***] is of opinion that any person imprisoned for failing to give security under this Chapter may be released without hazard to the community or to any other person, he may order such person to be discharged.</p> <p>(2) Whenever any person has been imprisoned for failing to give security under this Chapter, the ¹⁴³[***] District Magistrate may (unless the order has been made by some Court superior to his own) make an order reducing the amount of the security or the number of sureties or the time for which security has been required.</p> <p>(3) An order under sub-section (1) may direct the discharge of such person either without conditions or upon any conditions which such person accepts:</p> <p>Provided that any condition imposed shall cease to be operative when the period for which such person was ordered to give security has expired.</p> <p>(4) The Government may prescribe the conditions upon which a conditional discharge may be made.</p> <p>(5) If any condition upon which any such person has been discharged is, in the opinion of the District Magistrate ¹⁴⁴[***], by whom the order of discharge was made or of his successor, not fulfilled, he may cancel the same.</p> <p>(6) When a conditional order of discharge has been cancelled under sub-section (5), such person may be arrested by any police-officer without warrant, and shall thereupon be produced before the District Magistrate ¹⁴⁵[***].</p> <p>Unless such person then gives security in accordance with the terms of the original order for the unexpired portion of the term for which he was in the first instance committed or ordered to be detained (such portion being deemed to be a period equal to the period between the date of the breach of the conditions of discharge and the date on which, except for such conditional discharge, he would have been entitled to release), the District Magistrate ¹⁴⁶[***], may remand such person to prison to undergo such unexpired portion.</p> <p>A person remanded to prison under this sub-section shall, subject to the provisions of section 122, be released at any time on giving security in accordance with the terms of the original order for the unexpired portion aforesaid to the Court or Magistrate by whom such order was made, or to its or his successor.</p>
Power of District Magistrate to cancel any bond for keeping the peace or good behaviour	125. The ¹⁴⁷ [***] District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by order of any Court in his district not superior to his Court.
Discharge of sureties	<p>126.(1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a ¹⁴⁸[District Magistrate or any other Executive Magistrate] to cancel any bond executed under this Chapter within the local limits of his jurisdiction.</p> <p>(2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.</p>

Security for unexpired period of bond

¹⁴⁸[126A.] When a person for whose appearance a warrant or summons has been issued under the proviso to sub-section (3) of section 122 or under section 126, sub-section (2), appears or is brought before him, the Magistrate shall cancel the bond executed by such person and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

**CHAPTER IX
UNLAWFUL ASSEMBLIES**

Assembly to disperse on command of Magistrate or police officer

127.(1) Any ¹⁵⁰[Executive Magistrate] or officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.
(2) [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

Use of civil force to disperse

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any ¹⁵¹[Executive Magistrate] or officer in charge of a police-station, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer, soldier, sailor or airman in the armed forces of Bangladesh ¹⁵²[***] for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the ¹⁵³[Executive Magistrate] of the highest rank who is present ¹⁵⁴[or the Police Commissioner in ¹⁵⁵[a Metropolitan Area]] may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly

130.(1) When ¹⁵⁶[an Executive Magistrate] ¹⁵⁷[or the Police Commissioner] determines to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Bangladesh Army ¹⁵⁸[* * *] to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate ¹[or the Police Commissioner] may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.
(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of commissioned military officers to disperse assembly

131. When the public security is manifestly endangered by any such assembly, and when ¹⁵⁹[no Executive Magistrate] can be communi-cated with, any commissioned officer of the Bangladesh Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with ¹⁶⁰[an Executive Magistrate], he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this Chapter

132. No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Government; and-
(a) no Magistrate or police-officer acting under this Chapter in good faith,
(b) no officer acting under section 131 in good faith,
(c) no person doing any act in good faith, in compliance with a requisition under section 128 or section 130, and
(d) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which he was bound to obey, shall be deemed to have thereby committed an offence:
Provided that no such prosecution shall be instituted in any Criminal Court against any officer or soldier in the Bangladesh Army except with the sanction of the Government.

**CHAPTER X
PUBLIC NUISANCES**

Application

¹⁶¹[132A. The provisions of this Chapter shall not apply to ¹⁶²[a Metropolitan Area.]]

Conditional order for removal of nuisance

133.(1) Whenever a District Magistrate, ¹⁶³[or any other Executive Magistrate] considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit,
that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or
that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or
that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or
that any building, tent or structure, or any tree is in such condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary, or
that any tank well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public, or
that any dangerous animal should be destroyed, confined or otherwise disposed of,
such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order,

to remove such obstruction or nuisance; or
to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation; or
to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or
to prevent or stop the erection of, or to remove, repair or support, such building, tent or structure; or
to remove or support such tree; or
to alter the disposal of such substance; or
to fence such tank, well or excavation, as the case may be; or
to destroy, confine or dispose of such dangerous animal in the manner provided in the said order;
or, if he objects so to do,
to appear before himself or some other ¹⁶⁴[Executive Magistrate] at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation-A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

Service or notification of order 134.(1) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for service of a summons.
(2) If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey or show cause or claim jury 135. The person against whom such order is made shall-
(a) perform, within the time and in the manner specified in the order, the act directed thereby; or
¹⁶⁵(b) appear in accordance with such order and show cause against the same.]

Consequence of his failing to do so 136. If such person does not perform such act or appear and show cause ¹⁶⁶[* * *] he shall be liable to the penalty prescribed in that behalf in section 188 of the Penal Code, and the order shall be made absolute.

Procedure where he appears to show cause 137.(1) If he appears and shows cause against the order, the Magistrate shall take evidence in the matter ¹⁶⁷[in the manner provided in Chapter XX].
(2) If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.
(3) If the Magistrate is not so satisfied, the order shall be made absolute.

Omitted & 139. Omitted 138 and 139. [Omitted by the Schedule of the [Law Reforms Ordinance, 1978](#) (Ordinance No. XLIX of 1978).]

Procedure where existence of public right is denied ¹⁶⁸[139A.(1) Where an order is made under section 133 for the purpose of preventing obstruction, nuisance or danger to the public in the use of anyway, river, channel or place, the Magistrate shall, on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under section 137 ¹⁶⁹[* * *], inquire into the matter.
(2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Civil Court; and, if he finds that there is no such evidence, he shall proceed as laid down in section 137 ¹⁷⁰[* * *].
(3) A person who has, on being questioned by the Magistrate under sub-section (1) failed to deny the existence of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial ¹⁷¹[* * *].]

Procedure on order being made absolute 140.(1) When an order has been made absolute under section 136 ¹⁷²[or section 137], the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Penal Code.
(2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other movable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.
(3) No suit shall lie in respect of anything done in good faith under this section.

Omitted 141. [Omitted by section 2 and Schedule of the [Law Reforms Ordinance, 1978](#) (Ordinance No. XLIX of 1978).]

Injunction pending inquiry 142.(1) If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may ¹⁷³[* * *] issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.
(2) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.
(3) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisance 143. A District Magistrate or ¹⁷⁴[any other Executive Magistrate] empowered by the Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Penal Code or any special ¹⁷⁵[* * *] law.