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# **CRIMINAL PROCESS UNDER BNSS**

Here is a comprehensive overview of the Criminal Process under the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023, which replaces the Criminal Procedure  
Code (CrPC), 1973 from 1st July 2024 in India.

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# Criminal Process Under BNSS, 2023

(Bharatiya Nagarik Suraksha Sanhita)

The BNSS lays down the **procedural law** for the investigation, trial, and punishment of offences in India. It governs police, courts, and the rights of the accused and victims.

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## Stages of the Criminal Process

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### 1. Filing of Information / FIR (Section 173 BNSS)

- If the offence is **cognizable**, police must **register an FIR**.
  - For **non-cognizable offences**, permission from Magistrate is required.
  - FIR must be entered in the **digital system** and provided to the informant.
  - **Zero FIR** allowed—FIR can be filed anywhere, later transferred.
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### 2. Investigation by Police (Sections 174–193 BNSS)

- Collection of evidence
  - Arrest of accused (with or without warrant)
  - Recording of witness statements (under Section 180 BNSS)
  - Search and seizure (Sections 184–191)
  - **Forensic and digital evidence** now prioritized
  - **Charge sheet** to be filed within **90 or 60 days** (as per gravity)
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### 3. Filing of Charge Sheet (Section 193)

- Police file **charge sheet (police report)** before Magistrate.
  - If insufficient evidence, they may file a **closure report**.
  - Accused is summoned after cognizance is taken by the Magistrate.
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### 4. Cognizance by Magistrate (Section 210)

- Magistrate takes **cognizance of the offence** and decides whether to:
  - Proceed with trial
  - Dismiss complaint

- Direct further investigation
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## 5. Framing of Charges (Sections 250–255)

- If sufficient grounds exist, **charges are framed**.
  - For serious offences, case is committed to **Sessions Court**.
  - Accused is asked to plead **guilty or not guilty**.
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## 6. Trial (Chapters XIX–XXV)

- **Examination of witnesses** by prosecution and defence.
  - **Cross-examination**, submission of documents.
  - Accused examined under **Section 230** (like CrPC 313).
  - **Final arguments** by both sides.
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## 7. Judgment and Conviction/Acquittal

- Court delivers **judgment** under **Section 264**.
  - If convicted: sentence is passed.
  - If acquitted: accused is released.
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## 8. Appeal / Revision / Review (Sections 395–422)

- Accused/victim may file:
    - **Appeal** against conviction or acquittal.
    - **Revision** for legality of procedure.
    - **Review** in limited cases.
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## 9. Execution of Sentence

- Jail term, fine, or other penalty executed as per the court's orders.
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## Key Features Introduced by BNSS

Feature	Description
 E-FIR	Digital filing of FIR, online complaints
 Mandatory videography	For search/seizure, arrest, and victim statements
<input type="checkbox"/> Forensic reports	Must be filed in serious offences
 Time-bound investigation	60–90 days max, strict timelines
 Zero FIR	FIR can be filed at any police station
 Statement of accused	Section 230 BNSS (like Section 313 CrPC)
 Trials in absence of accused	For proclaimed offenders (Section 356 BNSS)
 Victim participation	Victim may be heard at sentencing stage
 Bail provisions updated	Consolidated under Chapter XXXV

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## BNSS Replaces These CrPC Sections

CrPC Section	BNSS Equivalent Section
154 (FIR)	Section 173 BNSS
161 (Statement)	Section 180 BNSS
313 (Accused Qs)	Section 230 BNSS
437–439 (Bail)	Sections 480–482 BNSS
167 (Police custody)	Section 187 BNSS
173 (Charge sheet)	Section 193 BNSS