

**1. CHANGES BROUGHT ABOUT BY  
THE CRIMINAL PROCEDURE CODE, 1973  
AND IMPORTANT AMENDMENTS - 2005**

The Amendment Act of Cr.P.C. 2005 have brought in important changes in the Code of Criminal Procedure, 1973.

The following are the **important changes** brought in by the Amendment Act of 2005.

1. The new Act (Sec. 25-A) empowers the State Government to establish a Directorate of Prosecution.
2. As under the Amended Act, the Second Class Magistrate can impose from the existing limit of fine of Rs. 1,000/- to Rs, 5,000/- and the First Class Magistrate can impose a fine from Rs. 5,000/- to Rs. 10,000/- (Sec. 29).
3. The Amended Act prohibits the arrest of women after sunset and before sunrise except under exceptional circumstances, that too, by a woman police officer after making a written report to the First Class Judicial Magistrate and obtaining his prior permission (Sec. 46-iv).
4. Under the present Amended Act, every police officer making any arrest of any person must give information about such arrest and the place where

the arrested person is being held to any of his friends, relatives or other nominee/s. (Sec. 50-A)

5. Now a new section namely Sec. 53-A is introduced which provides for detailed medical examination of a person accused of the offence of rape/attempt to commit rape by a Registered Medical Practitioner of a Government/local authority hospital and in his absence within 16 kms radius, any other Medical Practitioner can examine the accused.
6. Sec. 54-A of amended Cr.P.C. empowers the Court to subject any person arrested on a charge of committing an offence for direct holding of his identification at the request of the prosecution.
7. Sec. 164-A is inserted to provide for medical examination of the victim of rape.
8. In case of death or disappearance of a person or rape of a woman while in the custody of the police, there should be a mandatory judicial inquiry. (Sec. 176)
9. If the accused resides beyond the jurisdiction of the Magistrate Court, then before summoning such accused person, the Magistrate must enquire whether there was sufficient ground for proceeding against him. (Sec. 201)
10. The limit of fine that can be specified in summons is raised from Rs. 100/- to Rs. 1,000/- (Sec. 206)

11. If the value of the property involved does not exceed Rs. 2,000/-, the offence of theft and offences under Sec. 379 to 381, 411, 414 of I.P.C. may be tried summarily.
12. Sec. 311-A has been inserted empowering the Magistrates to issue directions to any person including the accused to give specimen signature and handwriting.
13. Sec. 377 permits the filing of appeal in the Court of Session instead of the High Court for inadequacy of sentence passed by the Magistrate.
14. Sec. 436 (i) - If the arrested person is an accused in a bailable offence, then if he is indigent (not able to furnish security) and cannot bring surety, then the Court can release him on his execution of a bond without sureties.
15. Sec. 438 – anticipatory bail provision has been amended. The Court of Sessions or the High Court must exercise the power to grant anticipatory bail after taking into consideration the nature and gravity of the accusation, the antecedents (past incidents) of the applicant, the possibility of the applicant fleeing from justice, etc.

Further, the presence of the person seeking anticipatory bail in the Court is mandatory, subject

to some exceptions. Here, the State Governments have variedly implemented this provision.

16. Now a surety for any accused person must disclose to the Court the number of cases he has already stood as surety for accused persons.

The above amendments are certain important amendments brought in by the Cr.P.C. Amendment Act of 2005 and hence only illustrative and not exhaustive.

**UNIVERSITY QUESTIONS FOR REVIEW:**

1. *Explain the changes brought in in the Code of Criminal Procedure by the Amendment Act of 2005.*
2. *Important changes have been brought in in rape victims, anticipatory bail, etc., in the Code of Criminal Procedure by the Amendment Act of 2005 – Explain.*

