



Govt. of India / भारत सरकार
Ministry of Labour and Employment
श्रम व रोजगार मंत्रालय
Directorate General of Mines Safety
खान सुरक्षा महानिदेशालय
Dhanbad / धनवाद - 826 001.

Email



सं0- Law(HQ)/- 589-596 धनवाद, दिनांक 15 जुलाई, 2024

सेवा में,

- 1 खान सुरक्षा उपमहानिदेशक, मध्य जोन, धनवाद।
- 2 खान सुरक्षा उपमहानिदेशक, पूर्वी जोन, सीतारामपुर।
- 3 खान सुरक्षा उपमहानिदेशक, उत्तरी जोन, गाजियाबाद।
- 4 खान सुरक्षा उपमहानिदेशक, उत्तर पश्चिमी जोन, उदयपुर।
- 5 खान सुरक्षा उपमहानिदेशक, दक्षिण पूर्वी जोन, रांची।
- 6 खान सुरक्षा उपमहानिदेशक, दक्षिण मध्य जोन, हैदराबाद।
- 7 खान सुरक्षा उपमहानिदेशक, दक्षिणी जोन, वेंगलूरु।
- 8 खान सुरक्षा उपमहानिदेशक, पश्चिमी जोन, नागपुर।


विषय : भारतीय नागरिक सुरक्षा संहिता, 2023 लागू होने के संदर्भ में केस के प्रारूप में संशोधन

महोदय,

उपरोक्त संबंध में आपको यह सूचित करना है कि Code of Criminal Procedure, 1973 के स्थान पर भारतीय नागरिक सुरक्षा संहिता, 2023 लागू हो गया है। अतः केस के प्रारूप में Sec. 200(a) of the Code of Criminal Procedure, 1973 के स्थान पर **Sec. 223(1)(a) of the Bharatiya Nagrik Suraksha Sanhita, 2023** अथवा धारा 223(1)(a) भारतीय नागरिक सुरक्षा संहिता, 2023 लिखें।

धारा 223(1)(a) भारतीय नागरिक सुरक्षा संहिता, 2023 की प्रति संलग्न कर प्रेषित की जा रही है।

भवदीय


खान सुरक्षा महानिदेशक
संलग्नक : यथापरोक्त


आज़ादी का
अमृत महोत्सव

CHAPTER XVI

COMPLAINTS TO MAGISTRATES

223. (1) A Magistrate having jurisdiction while taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:

Examination
of complainant.

Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:

Provided further that when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses—

(a) if a public servant acting or purporting to act in the discharge of his official duties or a Court has made the complaint; or

(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 212:

Provided also that if the Magistrate makes over the case to another Magistrate under section 212 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.

(2) A Magistrate shall not take cognizance on a complaint against a public servant for any offence alleged to have been committed in course of the discharge of his official functions or duties unless—

(a) such public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged; and

(b) a report containing facts and circumstances of the incident from the officer superior to such public servant is received.

224. If the complaint is made to a Magistrate who is not competent to take cognizance of the offence, he shall,—

(a) if the complaint is in writing, return it for presentation to the proper Court with an endorsement to that effect;

(b) if the complaint is not in writing, direct the complainant to the proper Court.

Procedure by
Magistrate not
competent to
take
cognizance of
case.

225. (1) Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been made over to him under section 212, may, if he thinks fit, and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding;

Postponement
of issue of
process.

Provided that no such direction for investigation shall be made,—

(a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or

(b) where the complaint has not been made by a Court, unless the complainant and the witnesses present (if any) have been examined on oath under section 223.

(2) In an inquiry under sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath:

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.

(3) If an investigation under sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Sanhita on an officer in charge of a police station except the power to arrest without warrant.