

THE SECOND SCHEDULE

(See section 476)

FORM No. 1

SUMMONS TO AN ACCUSED PERSON

(See section 61)

To (name of accused) of (address)

WHEREAS your attendance is necessary to answer to a charge of (state shortly the offence charged), you are hereby required to appear in person (or by pleader, as the case may be) before the (Magistrate) of , on the day . Herein fail not.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 2

WARRANT OF ARREST

(See section 70)

To (name and designation of the person or persons who is or are to execute the warrant).

WHEREAS (name of accused) of (address) stands charged with the offence of (state the offence), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

(See section 71)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of rupees with one surety in the sum of rupees (or two sureties each in the sum of rupees) to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 3

BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT

(See section 81)

I, _____ (name), of _____, being brought before the District Magistrate of _____ (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of _____, do hereby bind myself to attend in the Court of _____ on the _____ day of _____ next, to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit, to Government, the sum of rupees _____

Dated, this _____ day of _____, 19____.

(Signature)

I do hereby declare myself surety for the above-named _____ of _____ that he shall attend before _____ in the Court of _____ on the _____ day of _____ next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I bind myself to forfeit, to Government, the sum of rupees _____

Dated, this _____ day of _____, 19____.

(Signature)

FORM No. 4

PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED

(See section 82)

WHEREAS a complaint has been made before me that _____ (name, description and address) has committed (or is suspected to have committed) the offence of _____, punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said _____ (name) cannot be found, and whereas it has been shown to my satisfaction that the said _____ (name) has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said _____ of _____ is required to appear at _____ (place) before this Court (or before me) to answer the said complaint on the _____ day of _____

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 5

PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS

(See sections 82, 87 and 90)

WHEREAS complaint has been made before me that _____ (*name, description and address*) has committed (*or is suspected to have committed*) the offence of _____ (*mention the offence concisely*) and a warrant has been issued to compel the attendance of _____ (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said _____ (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said _____ (*name*) is required to appear at _____ (*place*) before the Court _____ on the _____ day of _____ next at _____ o'clock to be examined touching _____ the offence complained of.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

FORM No. 6

ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS

(See section 83)

To the officer in charge of the police station at _____

WHEREAS a warrant has been duly issued to compel the attendance of _____ (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*); and thereupon a Proclamation has been or is being duly issued and published requiring the said _____ to appear and give evidence at the time and place mentioned therein;

This is to authorise and require you to attach by seizure the movable property belonging to the said _____ to the value of rupees _____ which you may find within the District _____ of _____ and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

FORM No. 7

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED

(See section 83)

To

(name and designation of the person or persons who is or are to execute the warrant).

WHEREAS complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant) and thereupon a Proclamation has been or is being duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property, other than land paying revenue to Government, in the village (or town), of , in the District of , viz., , and an order has been made for the attachment thereof;

You are hereby required to attach the said property in the manner specified in clause (a), or clause (c), or both*, of sub-section (2) of section 83, and to hold the same under attachment pending further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this day of ,19 .

(Seal of the Court)

(Signature)

* Strike out the one which is not applicable, depending on the nature of the property to be attached.

FORM No. 8

ORDER AUTHORISING AN ATTACHMENT BY THE DISTRICT MAGISTRATE OR COLLECTOR

(See section 83)

To the District Magistrate/Collector of the District of

WHEREAS complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant) and thereupon a Proclamation has been or is being duly issued and published requiring the said (name) to appear to answer the said charge within days; and whereas the said is possessed of certain land paying revenue to Government in the village (or town) of , in the District of ;

You are hereby authorised and requested to cause the said land to be attached, in the manner specified in clause (a), or clause (c), or both*, of sub-section (4) of section 83, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated, this day of ,19 .

(Seal of the Court)

(Signature)

* Strike out the one which is not desired.

FORM No. 9

WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS

(See section 87)

To

(name and designation of the police officer or other person or persons who is or are to execute the warrant).

WHEREAS complaint has been made before me that (name and description of accused) of (address) has (or is suspected to have) committed the offence of (mention the offence concisely), and it appears likely that (name and description of witness) can give evidence concerning the said complaint, and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (name of witness), and on the day of to bring him before this Court, to be examined touching the offence complained of.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 10

WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE

(See section 93)

To

(name and designation of the police officer or other person or persons who is or are to execute the warrant).

WHEREAS information has been laid (or complaint has been made) before me of the commission (or suspected commission) of the offence of (mention the offence concisely), and it has been made to appear to me that the production of (specify the thing clearly) is essential to the inquiry now being made (or about to be made) into the said offence (or suspected offence);

This is to authorise and require you to search for the said (the thing specified) in the (describe the house or place or part thereof to which the search is to be confined), and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 11

WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT

(See section 94)

To

(name and designation of the police officer above the rank of a constable).

WHEREAS information has been laid before me, and on due inquiry thereupon had, I have been led to believe that the _____ *(describe the house or other place)* is used as a place for the deposit *(or sale)* of stolen property *(or if for either of the other purposes expressed in the section, state the purpose in the words of the section)*;

This is to authorise and require you to enter the said house *(or other place)* with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house *(or other place, or if the search is to be confined to a part, specify the part clearly)*, and to seize and take possession of any property *(or documents, or stamps, or seals, or coins, or obscene objects, as the case may be)* *(add, when the case requires it)* and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or counterfeit stamps, or false seals, or counterfeit coins or counterfeit currency notes (as the case may be)*, and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 12

BOND TO KEEP THE PEACE

(See sections 106 and 107)

WHEREAS I, _____ *(name)*, inhabitant of _____ *(place)*, have been called upon to enter into a bond to keep the peace for the term of _____ or until the completion of the inquiry in the matter of _____ now pending in the Court of _____, I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term or until the completion of the said inquiry and, in case of my making default therein, I hereby bind myself to forfeit, to Government, the sum of rupees _____

Dated, this _____ day of _____, 19 ____ .

(Signature)

FORM No. 13

BOND FOR GOOD BEHAVIOUR
(See sections 108, 109 and 110)

WHEREAS I, _____ (*name*), inhabitant of _____ (*place*), have been called upon to enter into a bond to be of good behaviour to Government and all the citizens of India for the term of (*state the period*) or until the completion of the inquiry in the matter of _____ now pending in the Court of _____, I hereby bind myself to be of good behaviour to Government and all the citizens of India during the said term or until the completion of the said inquiry; and, in case of my making default therein, I hereby bind myself to forfeit to Government the sum of rupees _____

Dated, this _____ day of _____, 19____.

(Signature)

(Where a bond with sureties is to be executed, add)

We do hereby declare ourselves sureties for the above-named _____ that he will be of good behaviour to Government and all the citizens of India during the said term or until the completion of the said inquiry; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Government the sum of rupees _____

Dated, this _____ day of _____, 19____.

(Signature)

FORM No. 14

SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE
(See section 113)

To _____ of _____

WHEREAS it has been made to appear to me by credible information that _____ (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or by which act a breach of the peace will probably be occasioned*), you are hereby required to attend in person (*or by a duly authorised agent*) at the office of the Magistrate of _____ on the _____ day of _____, 19____, at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees _____ [*when sureties are required, add, and also to give security by the bond of one (or two, as the case may be) surety (or sureties) in the sum of rupees _____ (each if more than one)*], that you will keep the peace for the term of _____

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 15

WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE

(See section 122)

To the Officer in charge of the Jail at

WHEREAS (name and address) appeared before me in person (or by his authorised agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (or a bond with two sureties each in rupees), that he, the said (name) would keep the peace for the period of months; and whereas an order was then made requiring the said (name) to enter into and find such security (state the security ordered when it differs from that mentioned in the summons), and he has failed to comply with the said order;

This is to authorise and require you to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) unless he shall in the meantime be lawfully ordered to be released, and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this day of ,19 .

(Seal of the Court)

(Signature)

FORM No. 16

WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR

(See section 122)

To the Officer in charge of the Jail at

WHEREAS it has been made to appear to me that (name and description) has been concealing his presence within the district of and that there is reason to believe that he is doing so with a view to committing a cognizable offence;

or

WHEREAS evidence of the general character of (name and description) has been adduced before me and recorded, from which it appears that he is an habitual robber (or house-breaker, etc., as the case may be);

AND WHEREAS an order has been recorded stating the same and requiring the said (name) to furnish security for his good behaviour for the term of (state the period) by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees, and the said surety (or each of the said sureties) rupees, and the said (name) has failed to comply with the said order and for such default has been adjudged imprisonment for (state the term) unless the said security be sooner furnished;

This is to authorise and require you receive the said (name) into your custody, together with this warrant and him safely to keep in the Jail, or if he is already in prison, be detained therein, for the said period of (term of imprisonment) unless he shall in the meantime be lawfully ordered to be released, and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this day of ,19 .

(Seal of the Court)

(Signature)

FORM No. 17

WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY
(See sections 122 and 123)

To the Officer in charge of the Jail at _____ (or other officer in whose custody the person is).

WHEREAS _____ (name and description of prisoner) was committed to your custody under warrant of the Court, dated the _____ day of _____ 19____; and has since duly given security under section _____ of the Code of Criminal Procedure, 1973.

or

WHEREAS _____ (name and description of prisoner) was committed to your custody under warrant of the Court, dated the _____ day of _____ 19____; and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorise and require you forthwith to discharge the said _____ (name) from your custody unless he is liable to be detained for some other cause.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 18

WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE
(See section 125)

To the Officer in charge of the Jail at _____

WHEREAS _____ (name, description and address) has been proved before me to be possessed of sufficient means to maintain his wife _____ (name) [or his child _____ (name) or his father or mother _____ (name), who is by reason of (state the reason) unable to maintain herself (or himself)] and to have neglected (or refused) to do so, and an order has been duly made requiring the said _____ (name) to allow to his said _____ wife (or child or father or mother) for maintenance the monthly sum of rupees _____; and whereas it has been further proved that the said _____ (name) in wilful disregard of the said order has failed to pay rupees _____, being the amount of the allowance for the month (or months) of _____;

And thereupon an order was made adjudging him to undergo imprisonment in the said Jail for the period of _____;

This is to authorise and require you receive the said _____ (name) into your custody in the said Jail, together with this warrant, and there carry the said order into execution according to law, returning this warrant with an endorsement certifying the manner of its execution.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 19

WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY ATTACHMENT AND SALE

(See section 125)

To

(name and designation of the police officer or other person to execute the warrant).

WHEREAS an order has been duly made requiring (name) to allow to his said wife (or child or father or mother) for maintenance the monthly sum of rupees , and whereas the said (name) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (or months) of

This is to authorise and require you to attach any movable property belonging to the said (name) which may be found within the district of , and if within (state the number of days or hours allowed) next after such attachment the said sum shall not be paid (or forthwith), to sell the movable property attached, or so much thereof as shall be sufficient to satisfy the said sum, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Dated, this day of ,19 .

(Seal of the Court)

(Signature)

FORM No. 20

ORDER FOR THE REMOVAL OF NUISANCES

(See section 133)

To (name, description and address).

WHEREAS it has been made to appear to me that you have caused an obstruction (or nuisance) to persons using the public roadway (or other public place) which, etc., (describe the road or public place) by, etc., (state what it is that causes the obstruction or nuisance), and that such obstruction (or nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on, as owner, or manager, the trade or occupation of (state the particular trade or occupation and the place where it is carried on), and that the same is injurious to the public health (or comfort) by reason (state briefly in what manner the injurious effects are caused), and should be suppressed or removed to different place;

or

WHEREAS it has been made to appear to me that you are the owner (or are in possession of or have the control over) a certain tank (or well or excavation) adjacent to the public way (describe the thoroughfare), and that the safety of the public is endangered by reason of the said tank (or well or excavation) being without a fence or insecurely fenced);

or

WHEREAS, etc., etc., (as the case may be);

I do hereby direct and require you within _____ (state the time allowed) (state what is required to be done to abate the nuisance) or to appear at _____ in the _____ Court of _____ on the _____ day of _____ next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within _____ (state the time allowed) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, etc.;

or

I do hereby direct and require you within _____ (state the time allowed) to put up a sufficient fence (state the kind of fence and the part to be fenced); or to appear, etc.;

or

I do hereby direct and require you, etc., etc. (as the case may be).

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 21

MAGISTRATE'S NOTICE AND PEREMPTORY ORDER

(See section 141)

To _____ (name, description and address).

I HEREBY give you notice that it has been found that the order issued on the _____ day of _____ requiring you (state substantially the requisition in the order) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (state the time allowed), on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 22

INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY

(See section 142)

To _____ (name, description and address).

WHEREAS the inquiry into the conditional order issued by me on the _____ day of _____, 19 ____ , is pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with such imminent danger or injury of a serious kind to the public as to render necessary immediate measures to prevent such danger or injury, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, 1973, direct and enjoin you forthwith to (state plainly what is required to be done as a temporary safeguard), pending the result of the inquiry.

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 23

MAGISTRATE'S ORDER PROHIBITING THE REPETITION, ETC., OF A NUISANCE

(See section 143)

To (name, description and address).

WHEREAS it has been made to appear to me that, etc. (*state the proper recital, guided by Form No. 20 or Form No. 24, as the case may be*);

I do hereby strictly order and enjoin you not to repeat or continue, the said nuisance.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 24

MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.

(See section 144)

To (name, description and address).

WHEREAS it has been made to appear to me that you are in possession (*or have the management*) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug-up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a procession along the public street, etc., (*as the case may be*) and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, etc., etc., (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or as the case recited may require*).

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 25

MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, ETC., IN DISPUTE

(See section 145)

It appears to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between _____ (*describe the parties by name and residence or residence only if the dispute be between bodies of villagers*) concerning certain _____ (*state concisely the subject of dispute*), situate within my local jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said _____ (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said _____ (*name or names or description*) is true; I do decide and declare that he is (*or they are*) in possession of the said _____ (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or their*) possession in the meantime.

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 26

WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, ETC.

(See section 146)

To the officer in charge of the police station at _____

(*or, To the Collector of _____*).

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace, existed between _____ (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain _____ (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said _____ (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said _____ (*the subject of dispute*) (*or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid*);

This is to authorise and require you to attach the said _____ (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 27

MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER

(See section 147)

A dispute having arisen concerning the right of use of _____ (*state concisely the subject of dispute*) situate within my local jurisdiction, the possession of which land (*or water*) is claimed exclusively by _____ (*describe the person or persons*), and it appears to me, on due inquiry into the same, that the said land (*or water*) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*) and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the institution of the said inquiry (*or if the use is enjoyable only at a particular season, say, "during the last of the seasons at which the same is capable of being enjoyed"*);

I do order that the said _____ (*the claimant or claimants of possession*) or any one in their interest, shall not take (*or retain*) possession of the said land (*or water*) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or they*) shall obtain the decree or order of a competent Court adjudging him (*or them*) to be entitled to exclusive possession.

Dated, this _____ day of _____, 19 ____ .

(Seal of the Court)

(Signature)

FORM No. 28

BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE OFFICER

(See section 169)

I, (*name*), of _____, being charged with the offence of _____, and after inquiry required to appear before the Magistrate of _____

or

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at _____, in the Court of _____, on the _____ day of _____ next (*or on such day as I may hereafter be required to attend*) to answer further to the said charge, and in case of my making default herein. I bind myself to forfeit to Government, the sum of rupees _____

Dated, this _____ day of _____, 19 ____ .

(Signature)

I hereby declare myself (*or we jointly and severally declare ourselves and each of us*) surety (*or sureties*) for the above said (*name*) that he shall attend at _____ in the Court of _____, on the _____ day of _____ next (*or on such day as he may hereafter be required to attend*), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or we hereby bind ourselves*) to forfeit to Government the sum of rupees _____.

Dated, this _____ day of _____, 19 ____ .

(Signature)

FORM No. 29

BOND TO PROSECUTE OR GIVE EVIDENCE

(See section 170)

I, _____ (*name*) of _____ (*place*), do hereby bind myself to attend at _____ in the Court of _____ at _____ o'clock on the _____ day of _____ next and then and there to prosecute (*or to prosecute and give evidence*) (*or to give evidence*) in the matter of a charge of _____ against one A.B., and, in case of making default herein, I bind myself to forfeit to Government the sum of rupees _____

Dated, this _____ day of _____, 19 _____ .

(*Signature*)

FORM No. 30

SPECIAL SUMMONS TO A PERSON ACCUSED OF A PETTY OFFENCE

(See section 206)

To,

(*Name of the accused*)

of _____ (*address*)

WHEREAS your attendance is necessary to answer a charge of a petty offence (*state shortly the offence charged*), you are hereby required to appear in person (*or by pleader*) before _____ (Magistrate) of _____ on the _____ day of _____ 19 _____, or if you desire to plead guilty to the charge without appearing before the Magistrate, to transmit before the aforesaid date the plea of guilty in writing and the sum of _____ rupees as fine, or if you desire to appear by pleader and to plead guilty through such pleader, to authorise such pleader in writing to make such a plea of guilty on your behalf and to pay the fine through such pleader. Herein fail not.

Dated, this _____ day of _____, 19 _____ .

(*Seal of the Court*)

(*Signature*)

(*Note.*-The amount of fine specified in this summons shall not exceed on hundred rupees.)

FORM No. 31

NOTICE OF COMMITMENT BY MAGISTRATE TO PUBLIC PROSECUTOR

(See section 209)

The Magistrate of _____ hereby gives notice that he has committed one _____ for trial at the next Sessions; and the Magistrate hereby instructs the Public Prosecutor to conduct the prosecution of the said case.

The charge against the accused is that, _____ etc. (*state the offence as in the charge*)

Dated, this _____ day of _____, 19 _____ .

(*Seal of the Court*)

(*Signature*)

FORM No. 32

CHARGES

(See sections 211,212 and 213)

I. CHARGES WITH ONE-HEAD

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

(b) **On section 121**—That you, on or about the _____ day of _____, at _____, waged war against the Government of India and thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of this Court.

(c) And I hereby direct that you be tried by this Court on the said charge.

(Signature and seal of the Magistrate)

[To be substituted for (b)]:—

(2) **On section 124**—That you, on or about the _____ day of _____, at _____, with the intention of inducing the President of India [or, as the case may be, the Governor of _____ (name of State)] to refrain from exercising a lawful power as such President (or, as the case may be, the Government) assaulted President (or, as the case may be, the Governor), and thereby committed an offence punishable under section 124 of the India Penal Code, and within the cognizance of this Court.

(3) **On section 161**—That you, being a public servant in the _____ Department, directly accepted from _____ (state the name) for another party _____ (state the name) gratification other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of this Court.

(4) **On section 166**—That you, on or about the _____ day of _____, at _____, did (or omitted to do, as the case may be) _____, such conduct being contrary to the provisions of _____ Act _____, section _____, and known by you to be prejudicial to _____, and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of this Court.

(5) **On section 193**—That you, on or about the _____ day of _____, at _____, in the course of the trial of _____ before _____, stated in evidence that “ _____ “ which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of this Court.

(6) **On section 304**—That you, on or about the _____ day of _____, at _____, committed culpable homicide not amounting to murder, causing the death of _____, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of this Court.

(7) **On section 306**—That you, on or about the _____ day of _____, at _____, abetted the commission of suicide by A.B., a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of this Court.

(8) **On section 325**—That you, on or about the _____ day of _____, at _____, voluntarily caused grievous hurt to _____, and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of this Court.

(9) **On section 392**—That you, on or about the _____ day of _____, at _____, robbed _____ (state the name), and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of this Court.

(10) **On section 395**—That you, on or about the _____ day of _____, at _____, committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of this Court.

II. CHARGES WITH TWO OR MORE HEADS

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

(b) **On section 241**—*First*—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit, delivered the same to another person, by name, A.B., as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit attempted to induce another person, by name, A.B., to receive it as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

(c) And I hereby direct that you be tried by the said Court on the said charge.

(*Signature and seal of the Magistrate*)

[*To be substituted for (b)*]:—

(2) **On sections 302 and 304**—*First*—That you, on or about the _____ day of _____, at _____, committed murder by causing the death of _____, and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly—That you, on or about the _____ day of _____, at _____, by causing the death of _____, committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

(3) **On sections 379 and 382**—*First*—That you, on or about the _____ day of _____, at _____, committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing death to a _____ person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing fear of hurt to a person in order to the restraining of property taken by such theft and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

(4) **Alternative charge on section 193**—That you, on or about the _____ day of _____, at _____, in the course of the inquiry into _____, before _____, stated in evidence that “_____”, and that you, on or about the _____ day of _____, at _____, in the course of the trial of _____, before _____, stated in the evidence that “_____”, one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session.

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

III. CHARGES FOR THEFT AFTER PREVIOUS CONVICTION

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

That you, on or about the _____ day of _____, at _____, committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session (or Magistrate, as the case may be). And you, the said (name of accused), stand further charged that you, before the committing of the said offence, that is to say, on the day of _____, had been convicted by the _____ (state Court by which conviction was had) at _____ of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night _____ (describe the offence in the words used in the section under which the accused was convicted), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, etc.

FORM No. 33

SUMMONS TO WITNESS

(See sections 61 and 244)

To _____ of _____
WHEREAS complaint has been made before me that _____ (name of the accused) of _____ (address) has (or is suspected to have) committed the offence of _____ (state the offence concisely with time and place), and it appears to me that you are likely to give material evidence or to produce any document or other thing for the prosecution;

You are hereby summoned to appear before this Court on the _____ day of _____ next at ten o'clock in the forenoon, to produce such document or thing or to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Dated, this _____ day of _____, 19 ____ .
(Seal of the Court) _____ (Signature)

FORM No. 34

WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A ¹[COURT]
²[(See sections 235, 248 and 255)]

To the Officer in charge of Jail at _____
WHEREAS on the _____ day of _____, _____ (name of the prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. _____ of the Calendar for 19 _____, was convicted before me _____ (name and official designation) of the offence of _____ (mention the offence or offences concisely) under section (or sections) _____ of the Indian Penal Code (or of _____ Act _____), and was sentenced to _____ (state the punishment fully and distinctly);

This is to authorise and require you to receive the said _____ (prisoner's name) into your custody in the said Jail, together with this warrant, and thereby carry the aforesaid sentence into execution according to law.

Dated, this _____ day of _____, 19 ____ .
(Seal of the Court) _____ (Signature)

1. Subs. by Act 45 of 1978, s. 35, for "MAGISTRATE".

2. Subs. by s. 35, *ibid*, for "(See sections 248 and 355)" (w.e.f. 18-12-1978).

FORM No. 35

WARRANT OF IMPRISONMENT ON FAILURE TO PAY COMPENSATION

(See section 250)

To the Officer in charge of Jail at

WHEREAS (name and description) has brought against (name and description of the accused person) the complaint that (mention it concisely) and the same has been dismissed on the ground that there was no reasonable ground for making the accusation against the said (name) and the order of dismissal awards payment by the said (name of complainant) of the sum of rupees as compensation; and whereas the said sum has not been paid and an order has been made for his simple imprisonment in Jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorise and require you to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 36

ORDER REQUIRING PRODUCTION IN COURT OF PERSON IN PRISON FOR ANSWERING TO CHARGE OF OFFENCE

(See section 267)

To the Officer in charge of Jail at

WHEREAS the attendance of (name of prisoner) at present confined/detained in the above-mentioned prison, is required in this Court to answer to a charge of (state shortly the offence charged) or for the purpose of a proceeding (state shortly the particulars of the proceeding);

You are hereby required to produce the said under safe and sure conduct before this Court at on the day of , 19 , by A.M. there to answer to the said charge, or for the purpose of the said proceeding, and after this Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.

And you are further required to inform the said of the contents of this order and deliver to him the attached copy thereof.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

Countersigned.

(Seal)

(Signature)

FORM No. 37

ORDER REQUIRING PRODUCTION IN COURT OF PERSON IN PRISON FOR GIVING EVIDENCE

(See section 267)

To the Officer in charge of the Jail at

WHEREAS complaint has been made before this Court that (name of the accused) of has committed the offence of (state offence concisely with time and place) and it appears that (name of prisoner) at present confined/detained in the above-mentioned prison, is likely to give material evidence for the prosecution/defence;

You are hereby required to produce the said under safe and sure conduct before this Court at on the day of , 19 , by A.M. there to give evidence in the matter now pending before this Court, and after this Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison;

And you are further required to inform the said of the contents of this order and deliver to him the attached copy thereof.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

Countersigned.

(Seal)

(Signature)

FORM No. 38

WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED

(See section 345)

To the Officer in charge of the Jail at

WHEREAS at a Court held before me on this day (name and description of the offender) in the presence (or view) of the Court committed wilful contempt;

And whereas for such contempt the said (name of the offender) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the period of (state the number of months or days);

This is to authorise and require you to receive the said (name of the offender) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 39

MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER OR TO PRODUCE DOCUMENT

(See section 349)

To

(name and designation of officer of Court)

WHEREAS

(name and description),

being summoned (or brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence, and duly recorded, or having been called upon to produce any document has refused to produce such document, without alleging any just excuse for such refusal, and for his refusal has been ordered to be detained in custody for (term of detention adjudged);

This is to authorise and require you to take the said (name) into custody, and him safely to keep in your custody for the period of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, or to produce the document called for from him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 40

WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH

(See section 366)

To the Officer in charge of the Jail at

WHEREAS at the Session held before me on the day of , 19 , (name of prisoner), the (1st, 2nd, 3rd, as the case may be), prisoner in case No. of the Calendar for 19 at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to death, subject to the confirmation of the said sentence by the Court of ;

This is to authorise and require you to receive the said (prisoner's name) into your custody in the said Jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

FORM No. 41

WARRANT AFTER A COMMUTATION OF A SENTENCE

¹[(See sections 386, 413 and 416)]

To the Officer in charge of the Jail at

WHEREAS at a Session held on the _____ day of _____, 19____, _____ (*name of the prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. _____ of the Calendar for 19____ at the said Session, was convicted of the offence of _____, punishable under section _____ of the Indian Penal Code, and sentenced to _____, and was thereupon committed to your custody; and whereas by the order of the _____ Court of _____ (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of imprisonment for life;

This is to authorise and require you safely to keep the said _____ (*prisoner's name*) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of imprisonment for life under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said Jail", "and there to carry into execution the punishment of imprisonment under the said order according to law".

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 42

WARRANT OF EXECUTION OF A SENTENCE OF DEATH

²[(See sections 413 and 414)]

To the Officer in charge of the Jail at

WHEREAS _____ (*name of the prisoner*), the (1st, 2nd, 3rd, *as the case may be*) Prisoner in case No. _____ of the Calendar for 19____ at the Session held before me on the _____ day of _____, 19____, has been by a warrant of the Court, dated the _____ day of _____, committed to your custody under sentence of death; _____ and whereas the order of the High Court at _____ confirming the said sentence has been received by this Court;

This is to authorise and require you to carry the said sentence into execution by causing the said _____ to be hanged by the neck until he be dead, at _____ (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

1. Subs. by Act 45 of 1978, s. 35 for "(See section 386)" (w.e.f. 18-12-1978).

2. Subs. by s. 35, *ibid.*, for "(See section 414)" (w.e.f. 18-12-1978).

FORM No. 43

WARRANT TO LEVY A FINE BY ATTACHMENT AND SALE

(See section 421)

To

(name and designation of the police officer or other person or persons who is or are to execute the warrant).

WHEREAS (name and description of the offender) was on the _____ day of _____, 19____, convicted before me of the offence of _____ (mention the offence concisely), and sentenced to pay a fine of rupees _____; and whereas the said _____ (name), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to attach any movable property belonging to the said _____ (name), which may be found within the district of _____; and, if within _____ (state the number of days or hours allowed) next after such attachment the said sum shall not be paid (or forthwith), to sell the movable property attached, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 44

WARRANT FOR RECOVERY OF FINE

(See section 421)

To the Collector of the district of _____

WHEREAS (name, address and description of the offender) was on the _____ day of _____, 19____, convicted before me of the offence of _____ (mention the offence concisely), and sentenced to pay a fine of rupees _____; and

WHEREAS the said _____ (name), although require to pay the said fine, has not paid the same or any part of thereof;

You are hereby authorised and requested to realise the amount of the said fine as arrears of land revenue from the movable or immovable property, or both, of the said _____ (name) and to certify without delay what you have done in pursuance of this order.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

¹[FORM No. 44A

BOND FOR APPEARANCE OF OFFENDER RELEASED PENDING REALISATION OF FINE

[See section 424 (1) (b)]

WHEREAS I, _____ (*name*) inhabitant of _____ (*place*), have been sentenced to pay a fine of rupees _____ and in default of payment thereof to undergo imprisonment for _____ ; and whereas the Court has been pleased to order my release on condition of my executing a bond for my appearance on the following date (*or dates*), namely:—

I hereby bind myself to appear before the Court of _____ at _____ o'clock on the following date (*or dates*), namely:—
and, in case of making default herein, I bind myself to forfeit to Government the sum of rupees.

Dated, this _____ day of _____, 19 ____ .

(*Signature*)

WHERE A BOND WITH SURETIES IS TO BE EXECUTED, ADD—

We do hereby declare ourselves sureties for the above-named that he will appear before the Court of _____ on the following date (*or dates*), namely:—

And, in case of his making default therein, we bind ourselves jointly and severally to forfeit to Government the sum of rupees.

(*Signature*.)]

FORM No. 45

BOND AND BAIL-BOND FOR ATTENDANCE BEFORE OFFICER IN CHARGE OF POLICE STATION OR COURT

[See sections 436, ²[436A,] 437, ³[437A,] 438 (3) and 441]

I, _____ (*name*), of _____ (*place*), having been arrested or detained without warrant by the Officer in charge of _____ police station (*or having been brought before the Court of _____*), charged with the offence of _____, and required to give security for my attendance before such Officer of Court on condition that I shall attend such Officer or Court on every day on which any investigation or trial is held with regard to such charge, and in case of my making default herein, I bind myself to forfeit to Government the sum of rupees.

Dated, this _____ day of _____, 19 ____ .

(*Signature*)

I hereby declare myself (*or we jointly and severally declare ourselves and each of us*) surety (*or sureties*) for the above said _____ (*name*) that he shall attend the Officer in charge of _____ police station or the Court of _____ on every day on which any investigation into the charge is made or any trial on such charge is held, that he shall be, and appear, before such Officer or Court for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I hereby bind myself (*or we, hereby bind ourselves*) to forfeit to Government the sum of _____ rupees.

Dated, this _____ day of _____, 19 ____ .

(*Signature*)

1. Ins. by Act 45 of 1978, s. 35 (w.e.f. 18-12-1978).

2. Ins. by Act 25 of 2005, s. 43 (w.e.f. 23-6-2006).

3. Ins. by Act 5 of 2009, s. 32 (w.e.f. 31-12-2009).

FORM No. 46

WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY

(See section 442)

To the Officer in charge of the Jail at
(or other officer in whose custody the person is)

WHEREAS _____ (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the _____ day of _____, and has since with his surety (or sureties) duly executed a bond under section 441 of the Code of Criminal Procedure;

This is to authorise and require you forthwith to discharge the said _____ (*name*) from your custody, unless he is liable to be detained for some other matter.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

¹[FORM No. 47

WARRANT OF ATTACHMENT TO ENFORCE A BOND

(See section 446)

To the Police Officer in charge of the police station at

WHEREAS _____ (*name, description and address of person*) has failed to appear on _____ (*mention the occasion*) pursuant to his recognizance, and has by default forfeited to Government the sum of rupees _____ (*the penalty in the bond*); and whereas the said _____ (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorise and require you to attach any movable property of the said _____ (*name*) that you may find within the district of _____, by seizure and detention, and, if the said amount be not paid within _____, days to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)]

1. Ins. by Act 45 of 1978, s. 35 (w.e.f. 18-12-1978).

FORM No. 48
NOTICE TO SURETY ON BREACH OF A BOND
(See section 446)

To _____ of _____

WHEREAS on the _____ day of _____, 19____, you became surety for _____ (name) of _____ (place) that he should appear before this Court on the _____ day of _____ and bound yourself in default thereof to forfeit the sum of rupees _____ to Government; and whereas the said _____ (name) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees.

You are hereby required to pay the said penalty or show cause, within _____ days from this date, why payment of the said sum should not be enforced against you.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 49

NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR
(See section 446)

To _____ of _____

WHEREAS on the _____ day of _____, 19____, you became surety by a bond for _____ (name) of _____ (place) that he would be of good behaviour for the period of _____ and bound yourself in default thereof to forfeit the sum of rupees _____ to Government; and whereas the said _____ (name) has been convicted of the offence of _____ (mention the offence concisely) committed since you became such surety, whereby your security bond has become forfeited;

You are hereby required to pay the said penalty of rupees _____ or to show cause within _____ days why it should not be paid.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 50

WARRANT OF ATTACHMENT AGAINST A SURETY

(See section 446)

To _____ of _____

WHEREAS _____ (*name, description and address*) has bound himself as surety for the appearance of _____ (*mention the condition of the bond*) and the said _____ (*name*) has made default, and thereby forfeited to Government the sum of rupees _____ (*the penalty in the bond*);

This is to authorise and require you to attach any movable property of the said _____ (*name*) which you may find within the district of _____, by seizure and detention; and, if the said amount be not paid within _____ days, to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

FORM No. 51

WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at _____

WHEREAS _____ (*name and description of surety*) has bound himself as a surety for the appearance of _____ (*state the condition of the bond*) and the said _____ (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Government; and whereas the said _____ (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of his movable property, and an order has been made for his imprisonment in the Civil Jail for _____ (*Specify the period*);

This is to authorise and require you, the said Superintendent _____ (or Keeper) to receive the said _____ (*name*) into your custody with the warrant and to keep him safely in the said Jail for the said _____ (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

FORM No. 52

NOTICE TO THE PRINCIPAL OF FORFEITURE OF BOND TO KEEP THE PEACE

(See section 446)

To (name, description and address)

WHEREAS on the _____ day of _____, 19____, you entered into a bond not to commit, etc., (as in the bond), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees _____ or to show cause before me within _____ days why payment of the same should not be enforced against you.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 53

WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE

(See section 446)

To (name and designation of police officer), at the police station of _____

WHEREAS _____ (name and description) did, on the _____ day of _____, 19____, enter into a bond for the sum of rupees _____ binding himself not to commit a breach of the peace, etc., (as in the bond), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said _____ (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said _____ (name) to the value of rupees _____, which you may find within the district of _____, and, if the said sum be not paid within _____, to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Dated, this _____ day of _____, 19____.

(Seal of the Court)

(Signature)

FORM No. 54

WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that _____ (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Government the sum of rupees _____; and whereas the said _____ (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said _____ (*name*) in the Civil Jail of the period of _____ (*term of imprisonment*);

This is to authorise and require you, the said Superintendent _____ (or Keeper) of the said Civil Jail to receive the said _____ (*name*) into your custody, together with this warrant, and to keep his safely in the said Jail for the said period of _____ (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

FORM No. 55

WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR

(See section 446)

To the Police Officer in charge of the police station at

WHEREAS _____ (*name, description and address*) did, on the _____ day of _____, 19 _____, give security by bond in the sum of rupees _____ for the good behaviour of _____ (*name, etc., of the principal*), and proof has been given before me and duly recorded of the commission by the said _____ (*name*) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said _____ (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said _____ (*name*) to the value of rupees _____ which you may find within the district of _____, and, if the said sum be not paid within _____, to sell the property so attached, or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature)

FORM No. 56

WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS (name, description and address) did, on the day of , 19 , give security by bond in the sum of rupees for the good behaviour of (name, etc., of the principal), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (name) has forfeited to Government the sum of rupees , and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (name) in the Civil Jail for the period of (term of imprisonment);

This is to authorise and require you, the Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant, and to keep him safely in the said Jail for the said period of (term of imprisonment), returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)

STATE AMENDMENT

Andhra Pradesh

Amendment of Form No. 45 in the Second Schedule. — In the Principal Act, in the Second Schedule, in Form No. 45, in paragraph 2, after the words, “to forfeit to Government the sum of rupees” the following words shall be added namely:—

“and I shall pay the fine imposed by the court in case I fail to produce the accused on the date fixed by the court.”

[Vide Andhra Pradesh Act 17 of 2019 s. 3]

APPENDIX

EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2005

No. 25 OF 2005

[23rd June, 2005.]

An Act further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2005.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint ¹[; and different dates* may be appointed for different provisions of this Act.]

* * * * *

16. Insertion of new section 144A.—In Chapter X of the principal Act, under sub-heading “C.—*Urgent cases of nuisance or apprehended danger*”, after section 144, the following section shall be inserted, namely:—

‘144A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.—(1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organising or holding of, or taking part in, any mass drill or mass training with arms in any public place.

(2) A public notice issued or an order made under this section may be directed to a particular person or to persons belonging to any community, party or organisation.

(3) No public notice issued or an order made under this section shall remain in force for more than three months from the date on which it is issued or made.

(4) The State Government may, if it considers necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by notification, direct that a public notice issued or order made by the District Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such public notice or order was issued or made by the District Magistrate would have, but for such direction, expired, as it may specify in the said notification.

(5) The State Government may, subject to such control and directions as it may deem fit to impose, by general or special order, delegate its powers under sub-section (4) to the District Magistrate.

1. Ins. by Act 25 of 2006, s. 2 (w.e.f. 2-6-2006).

* 23-6-2006, vide Notification No.S.O. 923(E) dated 21-6-2006 [Except the Provisions of Section 16, 25, 28(a), 28(b), 38, 42(a), 42(b), 42(f)(iii) and (iv) and 44(a)].

Explanation.—The word “arms” shall have the meaning assigned to it in section 153AA of the Indian Penal Code (45 of 1860).’.

*	*	*	*	*
¹ *	*	*	*	*
*	*	*	*	*

28. Amendment of section 320.—In section 320 of the principal Act, in the Table under sub-section (2),—

(a) the words “Voluntarily causing hurt by dangerous weapons or means” in column 1 and the entries relating thereto in columns 2 and 3 shall be omitted;

(b) in column 3, for the word “Ditto”, against the entry relating to section 325, the words “The person to whom the hurt is caused” shall be substituted.

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38. Amendment of section 438.—In section 438 of the principal Act, for sub-section (I), the following sub-sections shall be substituted, namely:—

“(I) Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, *inter alia*, the following factors, namely:—

- (i) the nature and gravity of the accusation;
- (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested,

either reject the application forthwith or issue an interim order for the grant of anticipatory bail:

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this sub-section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in-charge of a police station to arrest, without warrant the applicant on the basis of the accusation apprehended in such application.

(IA) Where the Court grants an interim order under sub-section (I), it shall forthwith cause a notice being not less than seven days notice, together with a copy of such order to be served on the Public Prosecutor and the Superintendent of Police, with a view to give the Public Prosecutor a reasonable opportunity of being heard when the application shall be finally heard by the Court.

1. S. 25 omitted by Act 2 of 2006, s. 8 (w.e.f. 16-4-2006).

(1B) The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of final order by the Court, if on an application made to it by the Public Prosecutor, the Court considers such presence necessary in the interest of justice.”

* * * * *

42. Amendment of the First Schedule.—In the First Schedule to the principal Act, under the heading “I.—OFFENCES UNDER THE INDIAN PENAL CODE”,—

(a) after the entries relating to section 153A, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“153AA	Knowingly carrying arms in any procession or organising or holding or taking part in any mass drill or mass training with arms	Imprisonment for 6 months and fine of 2,000 rupees	Ditto	Ditto	Any Magistrate.”;

(b) in the 6th column, in the entries relating to section 153B, for the word “Ditto”, the words “Magistrate of the first class” shall be substituted;

* * * * *

(f) in the 5th column, in the entries relating to—

* * * * *

(iii) section 324, for the word “Ditto”, the word “Non-bailable” shall be substituted;

(iv) section 325, for the word “Ditto”, the word “Bailable” shall be substituted.

* * * * *

44. Amendment of Act 45 of 1860.—In the Indian Penal Code,—

(a) after section 153A, the following section shall be inserted, namely:—

‘153AA. Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms.—Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or order issued or made under section 144A of the Code of Criminal Procedure, 1973 (2 of 1974) shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

Explanation.—”Arms” means articles of any description designed or adapted as weapons for offence or defence and includes fire arms, sharp edged weapons, lathis, *dandas* and sticks.’

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