

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়
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তারিখ: ১৮ আষাঢ় ১৪৩২
০২ জুলাই ২০২৫

বিষয়: Code of Criminal Procedure (Second Amendment) Ordinance, 2025 শীর্ষক প্রাথমিক খসড়ার ওপর মতামত প্রদান।

উপর্যুক্ত বিষয়ের পরিপ্রেক্ষিতে নির্দেশিত হয়ে জানানো যাচ্ছে যে, Code of Criminal Procedure, 1898 যুগোপযোগী করার লক্ষ্যে আইন ও বিচার বিভাগ কর্তৃক 'Code of Criminal Procedure (Second Amendment) Ordinance, 2025' শীর্ষক প্রাথমিক খসড়া প্রস্তুত করা হয়েছে। প্রাথমিক খসড়া চূড়ান্তকরণে সর্ব-সাধারণের মতামতের জন্য প্রাথমিক খসড়াটি প্রকাশ করা হলো।

০২। আগামী ০৭/০৭/২০২৫ তারিখের মধ্যে section8.justice@gmail.com ঠিকানায় মতামত প্রেরণ করা যাবে।

সংযুক্তি: প্রাথমিক খসড়া।

 ০২/০৭/২০২৫
(আশফাকুর রহমান)
সিনিয়র সহকারী সচিব
ফোন: ৯৫১৫২২২ (অ)

জ্ঞাতার্থে ও কার্যার্থে:

- ১। সচিব মহোদয়ের একান্ত সচিব, আইন ও বিচার বিভাগ।
- ২। প্রোগ্রামার, আইন ও বিচার বিভাগ (ওয়েবসাইটে প্রকাশের অনুরোধসহ)।

Code of Criminal Procedure, 1898 অধিকতর সংশোধনকল্পে প্রণীত

অধ্যাদেশ

যেহেতু Code of Criminal Procedure, 1898 (Act No. V of 1898) সময়োপযোগী করার লক্ষ্যে উক্ত আইন অধিকতর সংশোধন করা সমীচীন ও প্রয়োজনীয়; এবং

যেহেতু সংসদ ভাঙ্গিয়া যাওয়া অবস্থায় রহিয়াছে এবং রাষ্ট্রপতির নিকট ইহা সন্তোষজনকভাবে প্রতীয়মান হইয়াছে যে, আশু ব্যবস্থা গ্রহণের জন্য প্রয়োজনীয় পরিস্থিতি বিদ্যমান রহিয়াছে;

সেহেতু গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ৯৩(১) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে রাষ্ট্রপতি নিম্নরূপ অধ্যাদেশ প্রণয়ন ও জারি করিলেন:-

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।- (১) এই অধ্যাদেশ Code of Criminal Procedure (Second Amendment) Ordinance, 2025 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

২। Act No. V of 1898 এর Section 32 এর সংশোধন।- উক্ত Code of Criminal Procedure, 1898 (Act No. V of 1898), অতঃপর উক্ত Code বলিয়া উল্লিখিত, এর section 32 এর sub-section (1) এর-

(ক) clause (a) এ উল্লিখিত ‘ten thousand’ শব্দগুলির পরিবর্তে ‘five lac’ শব্দগুলি প্রতিস্থাপিত হইবে এবং ‘whipping’ শব্দটি বিলুপ্ত হইবে।

(খ) clause (b) এ উল্লিখিত ‘five thousand’ শব্দগুলির পরিবর্তে ‘three lac’ শব্দগুলি প্রতিস্থাপিত হইবে।

(গ) clause (c) এ উল্লিখিত ‘thousand’ শব্দটির পরিবর্তে ‘lac’ শব্দটি প্রতিস্থাপিত হইবে।

৩। Act No. V of 1898 এর Section 51 এর সংশোধন।- উক্ত Code এর section 51 এর শেষে উল্লিখিত ‘him’ শব্দটির পর ‘and where any article is seized from the arrested person, a copy of the seizure list shall be given to such person or to any other person on his behalf,’ শব্দগুলি ও কমা সন্নিবেশিত হইবে।

81 Act No. V of 1898 এ নূতন Section 46A, Section 46B, Section 46C, Section 46D, Section 46E, Section 46F এর সন্নিবেশ।- উক্ত Code এর Section 46 এর পর যথাক্রমে নিম্নরূপ নূতন Section 46A, Section 46B, Section 46C, Section 46D, Section 46E, Section 46F সন্নিবেশিত হইবে, যথা:-

‘46A. Procedure of arrest and duties of officer making arrest-

In making an arrest, the police-officer or other person making the same shall-

(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;

(b) prepare a memorandum of arrest which shall be-

i. attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made and where no such witness is available, the reasons therefore be recorded in the memorandum;

ii. countersigned by the person arrested if not denied by him;

(c) disclose his identity and if demanded, shall show his identity card to the person arrested and to the persons present at the time of arrest;

(d) where the accused is arrested from outside of his residence, intimate to a nearest relative of the person arrested, and in absence of his relative, to a friend suggested by the person arrested, as soon as practicable but not later than 12 (twelve) hours of such arrest, notifying the time and place of arrest and the place of custody;

(e) take the person arrested to the nearest hospital for treatment and obtain a certificate from the attending doctor, if any mark of injury is found on the person arrested, after recording the reasons for such injury;

(f) allow the person arrested, if he so desires, to consult a lawyer of his choice or to meet any of his nearest relation.

‘46B. Right of arrested person to meet an advocate of his choice immediately before and after his interrogation-

When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice immediately before and after his interrogation, though not throughout interrogation.’

‘46C. Entry of arrest in official register and general diary and providing information relating to arrest:

(1) An entry shall be entered in the official register maintained in the office of the officer by whom such arrest is made as to the ground of arrest, the name and particulars of the person who informed the arresting officer to arrest the person or made the complaint, the names and particulars of the relative or the friend, as the case may be, to whom information is given about the arrest and the name and particulars of the officer in whose custody the person arrested is staying.

(2) Every arrest made within the jurisdiction of a police-station shall be entered forthwith in the general diary of such station, and where the officer making the arrest is not attached to the said police-station, he shall, immediately after making such arrest, cause a copy of the memorandum of arrest to be furnished to the officer-in-charge of the said police-station, who shall thereupon cause an entry thereof to be made in the general diary.

(3) The officer responsible for maintaining the register as mentioned in sub-section (1) and (2) shall be bound to furnish information relating to such arrest to any person claiming to be a relative, friend, or well-wisher of the person arrested.

46D. Designated Police Officer for Maintaining and Displaying Information of Arrest.- District Superintendent of Police in every district, or Police Commissioner in every Metropolitan area, as the case may be, shall designate a police officer not below the rank of an Assistant Sub-Inspector of Police in every district or Metropolitan headquarters and in every police station, who shall be responsible for maintaining the information about the names and addresses of the persons arrested, nature of the offence with which charged, which shall be prominently displayed in any manner preferably in digital mode at every police station and at the district or Metropolitan headquarters.

‘46E. Health and safety of arrested person. -

It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.’

‘46F. Examination of arrested person by medical officer. -

(1) When any person arrested appears to be sick, he shall, soon after the arrest is made, be examined and provided with necessary treatment by a medical officer of a Government hospital; and if such medical officer is not available, by a registered medical practitioner:

Provided that where the arrested person is a female, the examination of her body shall be conducted preferably by, or under the supervision of, a female medical officer of a Government hospital, and where no such female medical officer is available, by a female registered medical practitioner.

(2) Where an examination is conducted under sub-section (1), a copy of the report of such examination and treatment shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the concerned police officer, as well as to the arrested person or to a person nominated by him.’

৫। Act No. V of 1898 এর Section 54 এর সংশোধন- উক্ত Code এর section 54 এর পরিবর্তে নিম্নরূপ section 54 প্রতিস্থাপিত হইবে, যথা:-

‘(1) Any police officer may without an order from a Magistrate and without warrant, arrest any person -

firstly, who commits, in presence of a police officer, a cognizable offence; or

secondly, against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:-

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police officer is satisfied that such arrest is necessary-

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or

(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

and the police officer shall record while making such arrest, his reasons in writing.

Provided that a police officer shall, in all cases where the arrest of a person is not required under the provisions of this sub-section, record the reasons in writing for not making the arrest.

thirdly, against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence; or

fourthly, who is found in possession of any implement of house-breaking without lawful excuse, the burden of proving such excuse shall lie on such person; or

fifthly, who has been proclaimed as an offender either under this Code or by order of the Government; or

sixthly, 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; or

seventhly, who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or

eighthly, who is reasonably suspected of being a deserter from the armed forces of Bangladesh; or

ninthly, 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 otherwise, liable to be apprehended or detained in custody in Bangladesh; or

tenthly, who is a released convict committing a breach of any rule made under section 565, sub-section (3); or

eleventhly, 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 requisite.

(2) No police officer shall arrest a person under this section for the purpose of detaining him under any law providing for preventive detention.'

৬। Act No. V of 1898 এ নতুন Section 54A এর সন্নিবেশ।- উক্ত Code এর section 54 এর পর নিম্নরূপ নতুন Section 54A সন্নিবেশিত হইবে, যথা:-

'54A. Person arrested to be informed of reason of arrest:

Every police officer arresting any person without warrant shall, at the time of making arrest, communicate to him the reasons for which he is arrested.'

৭। Act No. V of 1898 এর Section 69 এর সংশোধন।- উক্ত Code এর section 69 এর sub-section (3) এর পর নিম্নরূপ sub-section (4) সন্নিবেশিত হইবে, যথা:-

'(4) The Court may, in addition to the modes of service provided in the foregoing sections, direct that the summons be served through electronic means such as Short Message Service (SMS), voice call, instant messaging service, or electronic mail, and the proof of such service shall be preserved with the record.'

৮। Act No. V of 1898 এর Section 70 এর সংশোধন।- উক্ত Code এর section 70 এ উল্লিখিত 'male' শব্দটি বিলুপ্ত হইবে।

৯। Act No. V of 1898 এর Section 167 এর সংশোধন- উক্ত Code এর section 167 এর sub-section (2) নিম্নরূপে প্রতিস্থাপিত হইবে, যথা:-

(2) The Magistrate to whom an accused person is forwarded under this section or produced otherwise, may, whether he has or has not jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as he thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or to send it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Government, shall authorize detention in the custody of the police:

Provided further that the Magistrate shall not, under any particular case, authorize the detention of an accused person in police custody for a period exceeding fifteen days in the whole; and if further detention is considered necessary, he may authorize such detention in judicial custody, upon production of the accused either in person or through electronic video linkage.

(2A) Whenever a Magistrate authorizes the detention of an accused person in police custody under sub-section (2), the Magistrate may order that the accused be examined by a medical officer of nearest government hospital before he is handed over to the custody of the investigating officer. Upon expiry of the period of police custody, the investigating officer shall produce the accused before the Magistrate without unnecessary delay. If, upon such production, there appears to be any mark of injury on the person of the accused, or the accused alleges that he has been subjected to torture during such custody, the Magistrate shall direct that the accused be examined by a medical officer of nearest government hospital, and where the medical report reveals that the accused has been subjected to torture during police custody, the Magistrate shall proceed in accordance with law.

১০। Act No. V of 1898 এ নূতন Section 167A এর সন্নিবেশ- উক্ত Code এর section 167 এর পর নিম্নরূপ নূতন Section 167A সন্নিবেশিত হইবে, যথা:-

‘167A. Duties of Magistrates in relation to shown arrest and detention

(1) Where the officer making the investigation in a case seeks a person who is already in custody in another case to be shown arrested in that case, the Magistrate shall not allow

such prayer unless the arrested person is produced before him along with a copy of the entries in the diary relating to such case and given opportunity of being heard and the Magistrate shall reject the prayer if it appears to be not well-founded.

(2) The Magistrate shall not authorize the detention of any person in judicial custody where the police forwarding report discloses that the arrest has been made for the purpose of detaining him under any law providing for preventive detention.

(3) If the Magistrate has reason to believe that any officer who has legal authority to commit a person in confinement has acted contrary to law, he shall proceed against such officer under section 220 of the Penal Code.'

১১। Act No. V of 1898 এ নূতন Section 173B এর সন্নিবেশ।—উক্ত Code এর section 173A এর পর নিম্নরূপ section 173B সন্নিবেশিত হইবে, যথা:-

173B: Provisions for completion of investigation: - (1) Notwithstanding anything contained in this Code, every investigation under this Chapter shall be completed within sixty working days from the date of receipt of the information relating to the offence.

(2) Where, for reasonable cause, the investigation cannot be completed within the period specified in sub-section (1), the investigating officer shall record in the case diary the reasons for such delay and shall, stating the specific grounds and the additional time required, apply to the Magistrate for extension of time, and shall forward a copy thereof to his superior officer.

(3) Upon consideration of the application made under sub-section (2), the Magistrate may, by order, extend the time for investigation as may be deemed reasonable, and the investigating officer shall conclude the investigation within the extended time.

(4) Where the investigation is not completed within the time so extended under sub-section (3), the investigating officer shall, upon expiry of such period, report the reasons in writing to the Magistrate and send a copy thereof to his superior officer.

(5) Upon consideration of the explanation submitted under sub-section (4), or where no such explanation is submitted by the investigating officer, the Magistrate may—

(a) direct that the investigation be conducted by another officer;

(b) treat such delay as incompetence or misconduct on the part of the investigating officer, cause a note thereof to be recorded in the officer's annual confidential report, and

direct the appropriate authority to take action in accordance with the relevant service rules.

(8) If, upon submission of the investigation report, the Court is satisfied, having regard to the materials on record, that any person named as an accused ought, in the interest of justice, to be treated as a witness, the Court may pass an order to that effect, and such person shall be treated as a witness in the case.

(9) If, upon conclusion of the trial, the Court finds that the investigating officer—

(i) with negligence or with intent to protect any person from criminal liability, failed to collect or consider any admissible evidence;

(ii) treated any person as a witness who ought to have been made an accused; or

(iii) failed to examine a material witness without justification,

the Court may record a finding to that effect, treat such act or omission as misconduct or incompetence, and direct the controlling authority to take appropriate legal action against the officer in accordance with law.

১২। Act No. V of 1898 এর Section 250 এর সংশোধন— উক্ত Code এর section 250 এর-

(ক) sub-section (2) এ উল্লিখিত ‘one’ শব্দটির পরিবর্তে ‘fifty’ শব্দটি প্রতিস্থাপিত হইবে এবং ‘five hundred’ এর শব্দগুলির পরিবর্তে ‘twenty five thousand’ শব্দগুলি প্রতিস্থাপিত হইবে।

(খ) sub-section (3) এ উল্লিখিত ‘one hundred’ শব্দগুলির পরিবর্তে ‘five thousand’ শব্দগুলি প্রতিস্থাপিত হইবে।

(গ) sub-section (5) এ উল্লিখিত ‘three thousand’ শব্দগুলির পরিবর্তে ‘one lac’ শব্দগুলি প্রতিস্থাপিত হইবে।

১৩। Act No. V of 1898 এর Section 260 এর সংশোধন— উক্ত Code এর section 32 এর sub-section (1) এর-

(ক) clause (d) এ উল্লিখিত ‘ten thousand’ শব্দগুলির পরিবর্তে ‘five lac’ শব্দগুলি প্রতিস্থাপিত হইবে।

(খ) clause (e) এ উল্লিখিত ‘ten thousand’ শব্দগুলির পরিবর্তে ‘five lac’ শব্দগুলি প্রতিস্থাপিত হইবে।

(গ) clause (f) এ উল্লিখিত ‘ten thousand’ শব্দগুলির পরিবর্তে ‘five lac’ শব্দগুলি প্রতিস্থাপিত হইবে।

(গ) clause (g) এ উল্লিখিত ‘ten thousand’ শব্দগুলির পরিবর্তে ‘five lac’ শব্দগুলি প্রতিস্থাপিত হইবে।

১৪। Act No. V of 1898 এ নূতন Section 264A এর সন্নিবেশ- উক্ত Code এর section 264 এর পর নিম্নরূপ নূতন section 264A সন্নিবেশিত হইবে, যথা:-

“264A. Special procedure for summary trials. - Notwithstanding anything contained in section 262, the framing of charges, recording of evidence, examination of the accused under section 342, and pronouncement of judgment may, if practicable, be completed in the same session at any place within the jurisdiction of the Court.”

১৫। Act No. V of 1898 এর Section 339B এর সংশোধন- উক্ত Code এর section 339B এর sub-section (1) নিম্নরূপে প্রতিস্থাপিত হইবে-

“(1) Notwithstanding anything contained in section 87 and section 88, where the Court has reason to believe that an accused person has absconded or concealing himself so that he cannot be arrested and produced for trial and there is no immediate prospect of arresting him, the Court taking cognizance of the offence complained of shall, by order published in one national daily Bangla Newspaper having wide circulation, direct such person to appear before it within such period as may be specified in the order, and if such person fails to comply with such direction, he shall be tried in his absence:

Provided that the Court may, in addition, direct that the order for appearance of the accused be published on the official websites of the District and Sessions Judge Court, Bangladesh Police, the Deputy Commissioner, or any other government website having wide public reach and accessibility.”

১৬। Act No. V of 1898 এর Section 345 এর সংশোধন- উক্ত Code এর Section 345 এর sub-section (7) এর পর নিম্নরূপ নূতন sub-section (8) সন্নিবেশিত হইবে যথা:-

(8) Notwithstanding anything contained in this section, the Court may, where both parties agree to compound any compoundable case, facilitate the compounding process between the parties or refer the matter to the concerned Legal Aid Officer appointed under the Legal Aid Act, 2000 (Act No. 6 of 2000), or to the advocates engaged by the parties, or, where no advocate has been engaged, to the party or parties themselves for composition. If the Court is satisfied that a lawful agreement has been executed by the parties in furtherance of such compounding, it may preserve the agreement in the record and pass such orders as may be necessary to implement its terms, provided that such implementation does not prejudice the rights or interests of any third party.

১৭। Act No. V of 1898 এর Section 390 হইতে Section 395 এর বিলোপ।- উক্ত Code এর Section 390 হইতে Section 395 বিলুপ্ত হইবে।

১৮। Act No. V of 1898 এর Section 396 এর সংশোধন।- উক্ত Code এর section 396 এর sub-section (1) এর 'whipping' শব্দটি বিলুপ্ত হইবে।

১৯। Act No. V of 1898 এর Section 413 এর সংশোধন।- উক্ত Code এর section 413 এ উল্লিখিত 'fifty' শব্দের পরিবর্তে 'five thousand' শব্দগুলি প্রতিস্থাপিত হইবে।

২০। Act No. V of 1898 এর Section 414 এর সংশোধন।- উক্ত Code এর section 414 এ উল্লিখিত 'two hundred' শব্দগুলির পরিবর্তে 'five thousand' শব্দগুলি প্রতিস্থাপিত হইবে।

২১। Act No. V of 1898 এ Section 498 এর সংশোধন।- উক্ত Code এর section 498 এর বিদ্যমান বিধান sub-section (1) হিসাবে সংখ্যায়িত হইবে এবং অতঃপর নিম্নরূপ নূতন sub-section (2) সন্নিবেশিত হইবে, যথা:-

'(2) Any Court, while releasing the accused on bail, may impose reasonable and fair conditions to prevent his absconding or to ensure his good behaviour.'

২২। Act No. V of 1898 এর Section 499 এর সংশোধন।- উক্ত Code এর Section 499 পর sub-section (2) এর পর নিম্নরূপ নূতন sub-section (3) সন্নিবেশিত হইবে, যথা:-

(3) The bond referred to in this section may be submitted to the court either in person or online, as required by the Court, subject to the verification of identity of the sureties through National Identification Number or other appropriate means."

২৩। Act No. V of 1898 এর Section 540A এর সংশোধন।- উক্ত Code এর Section 540A এর-

(ক) sub-section (1) এ উল্লিখিত where two or more accused are before the Court, শব্দগুলি ও কমা বিলুপ্ত হইবে

(খ) sub-section (2) এর পর নিম্নরূপ নূতন sub-section (3) সন্নিবেশিত হইবে, যথা:-

‘(3) At the stage of investigation under this Code, the Judge or Magistrate may, for reasons to be recorded in writing, dispense with the personal attendance of an accused person who is represented by an advocate until the date fixed for hearing of the investigation report.’

২৪। Act No. V of 1898 এ নূতন Form IA সন্নিবেশন।- উক্ত Code এর Schedule V এর Form I এর পূর্বে নিম্নরূপ নূতন Form IA সন্নিবেশিত হইবে, যথা: -

“MEMORANDUM OF ARREST
(See Section 46A)

1. Name, address, and age of the accused:
2. NID/ Passport/ Birth Registration Number (if available):
3. Place of arrest:
4. Date and time of arrest:
5. Grounds for arrest (mention relevant law and section):
6. Name and address of informant/complainant (if applicable):
7. Case/GD number:
8. Memo number and date of warrant of arrest:
9. Physical condition of the accused at the time of arrest:
10. Cause of injury to the accused (if any):
11. Name of attending registered medical practitioner and his/her attestation (if the accused is injured):
12. Has the family of the accused been informed? Yes / No
13. Name and address of relative/friend/colleague informed of the arrest:

14. Mobile number of the person informed:

15. Court before which the accused is to be produced:

16. Signature of the accused (if not denied by the accused):

17. Signature of the member of the family of the person arrested or a respectable member of the locality (write reason if not found):

.....
Name, designation, ID number and signature of the arresting officer

[Direction:

This memorandum must be prepared **at the time and place of arrest**. If the accused is injured, attach the attending registered medical practitioner's attestation and/or release documentation. A copy must be saved in the case diary for future reference.]”

.....আষাঢ় ১৪৩২ বঙ্গাব্দ
তারিখ: _____
..... জুলাই ২০২৫ খ্রিষ্টাব্দ

রাষ্ট্রপতি
গণপ্রজাতন্ত্রী বাংলাদেশ

সচিব