

Sections convicted of
an offence; (iii) he



**ASSIGN
BUSTER**

Sections 222 and 223 deal with failure on the part of a public servant to keep in confinement, a person charged with an offence or convicted of an offence. Section 223 applies if the person confined is allowed to escape because of the negligence on the part of the public servant while Section 222 applies if the omission to apprehend or failure to keep in confinement a person charged with an offence, or convicted of an offence, is done intentionally by a public servant. The punishment under Section 222 is far graver than the one provided under Section 223.

Section 223 consists of the following three essentials: (i) The offender must be a public servant; (ii) He must be legally bound to keep in confinement a person charged with or convicted of an offence; (iii) He must negligently suffer such person to escape. Section 223 will apply only when the custody is lawful. If a public servant is not entitled to keep a person in custody, he does not commit an offence by allowing that person to escape. The offence under Section 223 is non-cognizable and summons should issue.

It is bailable but not compoundable and is triable by any Magistrate.