

Explanation:- of an  
offence. persons  
examined by police



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Explanation:- In Sections 201 and 202 and in this Section the word “ offence” includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following Sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460. Section 203 attaches liability to anyone who is aware of the commission of the crime and gives false information in respect of the crime whether he is legally bound to furnish such information or not.

Sections 201, 202 and 203 are related but different. All these three sections deal with various aspects of offences dealing with conduct of person after the commission of the main offence. Section 201 deals with causing disappearance of evidence of an offence or giving false information with the intention of screening the offender; Section 202 deals with omission to give information in respect of commission of a crime or an offence; Section 203 deals with giving of false information in respect of commission of an offence.

Under Section 201, the giving of false information in respect of an offence should be with the intention to screen the offender. But, under Section 203, it is sufficient if the prosecution establishes that the accused had given false information in respect of an offence. Persons examined by police are not bound by law to speak truth, and therefore false statement given by a person in the course of an investigation by the police cannot amount to an offence under Sections 201 and 203, IPC. The explanation is new and only applies to certain serious crimes.

Its object is to prevent falsification of reports, not only with respect to crimes committed within India, but also serious crimes committed outside. A person once acquitted of Section 202 cannot be retried for an offence under Section <https://assignbuster.com/explanation-of-an-offence-persons-examined-by-police/>

177, as the two offences possess the same essential ingredients. The points requiring proof under Section 203 are: (i) The Commission of an offence; (ii) The accused knew or had reason to believe that it had been committed; (iii) He gave the information; (iv) It was with respect to that offence; (v) It was false; (vi) The accused then knew or had reason to believe that it was false. The offence under Section 203 is non-cognizable, but warrant may issue in the first instance. It is bailable but not compoundable and is triable by any Magistrate.