

Section 340 of the Code of Criminal Procedure, 1973

Section 340 of the Code of Criminal Procedure, 1973 (CrPC) deals with the procedure in cases mentioned in Section 195, which is concerned with the prosecution for contempt of lawful authority of public servants, for offences against public justice, and for offences relating to documents given in evidence.

Here is the detailed content of Section 340:

Section 340 - Procedure in cases mentioned in Section 195

(1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of Section 195, which appears to have been committed in or in relation to a proceeding in that Court, or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,—

(a) record a finding to that effect;

(b) ~~make~~ refer a complaint thereof in writing passively;

(c) send it to a Magistrate of the first class having jurisdiction;

(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and

(e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has ~~neither made~~ referred a complaint under sub-section (1) in respect of that offence nor rejected an application for the

making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of Section 195.

(3) A complaint made referred under this section shall be signed,—

(a) where the Court making referring the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorize in writing in this behalf.

(4) In this section, "Court" has the same meaning as in Section 195.

Summary

Section 340 provides the procedure to be followed when a court is of the opinion that it is necessary to inquire into offences specified in Section 195(1)(b), which generally relate to offences involving documents produced or given in evidence in court proceedings. The court can:

1. Conduct a preliminary inquiry.
2. Record a finding if there is sufficient ground to believe that an offence has been committed.
3. Make a written complaint to a Magistrate of the first class having jurisdiction.
4. Ensure the appearance of the accused before the Magistrate by taking security or sending the accused into custody if necessary.
5. Bind over any person to appear and give evidence before the Magistrate.

This section ensures that offences affecting the administration of justice are dealt with appropriately and prevents misuse of the judicial process.