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ISSN (Online): 2455-7838

SJIF Impact Factor (2017): 5.705

EPRA International Journal of

Research & Development

(IJRD)

Monthly Peer Reviewed & Indexed
International Online Journal

Volume: 3, Issue:7, July 2018



Published By :
EPRA Journals

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SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

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ABSTRACT

Law has always been an essential element of society. Law was there even when society was uncivilised and it is even today when we have entered into so much cosmopolitan world. The presence law exist much known to us with the existence of courts. The court was then exist when there was no written statue on the fundamental principle to do justice and to peacefully settle matter, specifically it holds a very high position in society by virtue of its duty. Every court has been constituted for the purpose of justice between the parties to bring peace in the society and for the development of men.

KEYWORDS: Law, Criminal Procedure, Good Behaviour, security

DISCUSSION

The Code Of Criminal Procedure is a procedural law and basic functions of the court to do justice. Law in this article refers to procedural law which means that a law has been enforced by the competent legislature to provide mechanism to implement the substantive law if force to achieve the main objective.

Security means furnishing guarantee to the satisfaction of the court that a certain conduct or offence is to be maintained for a specific period by a certain person concerning a certain thing. It can be made with sureties or without sureties. It is a discretionary power vested by law in the court. Always security is given by the accused and taken by the court. Basically security is for certain purpose, certain objective or for certain goal. In a judiciary terms security proceedings are taken after a judicial inquiry.

Chapter VIII, The Code of Criminal procedure deals with the security for keeping peace and for Good Behaviour in which there are such certain section which executes-

Section 107 of code lays down the provision for demand of security for keeping peace in certain matters:-

- A) a breach of peace
- B) Disturb the public tranquillity
- C) Any wrongful at may probably occasion a breach of peace or disturb the public tranquillity, then he may ordered that he shall execute as bond with or without sureties for keeping peace for such period not exceeding one year.

Section 108 lays down provision for taking security from person disseminating seditious matters.

A) Any matter the publication of which is punishable under section 124A or 153A or section 153B or section 295A or the Indian Penal Code (45 of 1860).

B) Any matter concerning a judge acting or purporting to act in discharge of his official duties which amounts to criminal intimidation or defamation under the Indian Penal Code (45 of 1860), then such magistrate may demand such person to execute a bond, with or without sureties, for his good behaviour for such period not exceeding one year. This system has been declared constitutional in the public interest Kedarnath Singh v. State of Bihar, 1962.

Section 110 lays down the provision for demand or security for good behaviour from habitual offenders.

According to it when an Executive Magistrate receives information that there is within local jurisdiction a person who-

- A) Is by habit a robber, house keeping, thief, or forger, or
- B) Is by habit a receiver of stolen property knowing the same to have been stolen, or
- C) Habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property, or
- D) Habitually commits, or attempts to commit, or bets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under chapter XII of the Indian Penal Code, or under section 489A, section 489B, section 489D of that code, or
- E) Habitually commits, or attempts to commit, or bets the commission of, offences, involving a breach of the peace, or
- F) Habitually commits, or attempts to commit, or abets the commission of any offences under:- then such may require such person to execute a bond with sureties for his good behaviour for such period not exceeding five years.

Section 111 lays down the provision for order to be made. According to it when a Magistrate stand for under section 107, 108,109 or 110, consider in a specified way to require any person to show any cause under such sections then he shall have to make an order in writing, setting forth the substance of the information received and the amount of the bond to be executed.

Section 113 lays down the provision for summons or warrant in case of person not so present. According to the section 113 if the offender not present in the court, immediately Magistrate shall issue the summon requiring him to appear or when such person is in custody, upon the report of a police officer or upon the other information who had conducted breach of peace then Magistrate may at any time issue a warrant for his arrest.

Section 118 lays down the provision for discharge of person informed against. According to it if, on an inquiry under section 116, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, that person for whom such inquiry is made, should execute a bond and Magistrate shall make an entry on record file. If such person is in custody only for the inquiry purposes then he shall release him or any such person is not in custody, shall discharge him.