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NOTIFICATIONS BY GOVERNMENT

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HOME DEPARTMENT
(COURTS-B)

NOTIFICATION EXTENDING THE PROVISIONS RELATING TO INQUIRY, TRIAL OR JUDGMENT IN ABSENTIA OF PROCLAIMED OFFENDER UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

[G.O.Ms.No.4, Home (Courts-B), 7th January, 2026]

NOTIFICATION

Whereas, section 356 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides for the procedure relating to inquiry, trial or judgment in absentia of proclaimed offender, which reads as follows:-

"Section 356. Inquiry, trial or judgment in absentia of proclaimed offender.-

(1) - Notwithstanding anything contained in this Sanhita or in any other law for the time being in force, when a person declared as a proclaimed offender, whether or not charged jointly, has absconded to evade trial and there is no immediate prospect of arresting him, it shall be deemed to operate as a waiver of the right of such person to be present and tried in person, and the Court shall, after recording reasons in writing, in the interest of justice, proceed with the trial in the like manner and with like effect as if he was present, under this Sanhita and pronounce the judgment:

Provided that the Court shall not commence the trial unless a period of **ninety days** has elapsed from the date of framing of the charge.

(2) The Court shall ensure that the following procedure has been complied with before proceeding under sub-section (1), namely: -

- (i) Issuance of two consecutive warrants of arrest within the interval of at least thirty days;
- (ii) Publish in a national or local daily newspaper circulating in the place of his last known address of residence, requiring the proclaimed offender to appear before the Court for trial and informing him that in case he fails to appear within thirty days from the date of such publication, the trial shall commence in his absence;
- (iii) Inform his relative or friend, if any, about the commencement of the trial; and
- (iv) Affix information about the commencement of the trial on some conspicuous part of the house or homestead in which such person ordinarily resides and display in the police station of the district of his last known address of residence.

(3) Where the proclaimed offender is not represented by any advocate, he shall be provided with an advocate for his defence at the expense of the State.

(4) Where the Court, competent to try the case or commit for trial, has examined any witnesses for prosecution and recorded their depositions, such depositions shall be given in evidence against such proclaimed offender on the inquiry into, or in trial for, the offence with which he is charged:

Provided that if the proclaimed offender is arrested and produced or appears before the Court during such trial, the Court may, in the interest of justice, allow him to examine any evidence which may have been taken in his absence.

(5) Where a trial is related to a person under this section, the deposition and examination of the witness, may, as far as practicable, be recorded by audio-video electronic means preferably mobile phone and such recording shall be kept in such manner as the Court may direct.

(6) In prosecution for offences under this Sanhita, voluntary absence of accused after the trial has commenced under sub-section (1) shall not prevent continuing the trial including the pronouncement of the judgment even if he is arrested and produced or appears at the conclusion of such trial.

(7) No appeal shall lie against the judgment under this section unless the proclaimed offender presents himself before the Court of appeal: Provided that no appeal against conviction shall lie after the expiry of three years from the date of the judgment.

(8) The State may, by notification, extend the provisions of this section to any absconder mentioned in sub-section (1) of section 84.

2. Whereas, Section 84 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides for proclamation for a person absconding and reads as follows:-

"Section 84(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation."

3. Now, therefore, in exercise of the powers conferred under sub-section (8) of Section 356 of the BNSS, 2023, the State Government of Andhra Pradesh hereby extend the provisions of Section 356 of the said Sanhita to any absconder mentioned in sub-section (1) of Section 84 of the BNSS, 2023.

4. The Director General of Police, Andhra Pradesh, Mangalagiri is requested to take further necessary action accordingly.

KUMAR VISHWAJEET,
Principal Secretary to Government.

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