

The Criminal-Procedure-Code-CrPC-1973

Section 105 - Reciprocal arrangements regarding processes

105. Reciprocal arrangements regarding processes. (1) Where a Court in the territories to which this Code extends (hereafter in this section referred to as the said territories) desires that-

- (a) a summons to an accused person, or
- (b) a warrant for the arrest of an accused person, or
- (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or
- (d) a search-warrant,

2* issued by it shall be served or executed at any place,-

(i) within the local jurisdiction of a Court in any State or area in India outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that Court to be served or executed; and where any summons referred to in clause (a) or clause (c) has been so served, the provisions of section 68 shall apply in relation to such summons as if the presiding officer of the Court to whom it is sent were a Magistrate in the said territories;

(ii) in any country or place outside India in respect of which arrangements have been made by the Central Government with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and sent to such authority for transmission, as the Central Government may, by notification, specify in this behalf.

(2) Where a Court in the said territories has received for service or execution-

- (a) a summons to an accused person, or
 - (b) a warrant for the arrest of an accused person, or
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1 Ins. by Act 45 of 1978, s. 10 (w.e.f. 18-12-1978).

2 Subs. by Act 32 of 1988, S. 2.

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(c) a summons to any person requiring him to attend and produce a document or other thing or to produce it, or

(d) a search-warrant,

1*issued by--

(I) a Court is any State or area in India outside the said territories;

(II) a Court, Judge or Magistrate in a contracting State,

it shall cause the same to be served or executed as if it were a summons or warrant received by it from another Court in the said territories for service or execution within its local jurisdiction ; and where-

(i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance with procedure prescribed by sections 80 and 81,

(ii) a search-warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by section 101:

1*[Provided that in a case where a summons or search warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search warrant through such authority as the Central Government may, by notification, specify in this behalf.

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