



PETTY ORGANIZED CRIMES

Petty crimes are minor offences that are less serious than crimes or big offences. They include infractions and violations, and some are classified as misdemeanours. Petty crimes include low-value item theft, shoplifting, vandalism, public inebriation, mere assault, and erratic behaviour.

I. Penal Provision under Bharatiya Nyaya Sanhita (BNS) 2023:

Section 112 (1) of the BNS provides that “*whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorised sale of tickets, unauthorised betting or gambling, selling of public examination question papers, or any other similar act is said to commit a petty organized crime. Whoever conducts a petty organized crime shall be punished with imprisonment for a term not less than one year but which may extend to seven years, and shall be liable to fine*”.

II. Cognizability/ Bailability/ etc:

Above mentioned offences are cognizable, non-bailable offences.

III. Provisions under BNSS:

Section 229 of BNSS specifies special summons in cases of petty offence. Section 276 of BNSS delineates the procedure for conviction on the plea of guilt in the absence of an accused in petty cases. Section 417 of the Sanhita specifies no appeal in petty cases. Section 172(2) says that in minor cases, the person might be freed within 24 hours. As a result, Section 172(2) of the BNSS requires that the imprisoned individual be brought before a magistrate or be freed in minor situations within twenty-four hours. The BNSS stipulates that the judgment in a

Sessions Case must be pronounced within thirty days following the conclusion of the hearing under Section 258(1). This time frame might be increased to forty-five days for reasons to be recorded in writing.

IV. Remarks:

Community Service is prescribed as a punishment for six minor offences such as failure to appear in response to a proclamation, attempting to compel or restrain the exercise of lawful power by a public servant, petty theft, public misconduct by a drunken person, defamation, etc.

According to the amount of the stolen item involved, the monetary limitations for small thefts that are triable in summary trials have been raised from ₹2000 to ₹20,000 [section 283(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS)].

For minor and less serious matters, a summary trial is required by Section 283 of the BNSS. Section 260(1) of the CrPC stated that the Magistrate "may if he thinks fit, try in a summary way all or any of the following offences," indicating that the Magistrate had the power to try minor and less serious offences in this manner. The term "may" is replaced with "shall" in Section 283(1) of the BNSS.
