

ANAGHA
Legal Reliefs



SANDEEP BHAVAN PAMARATI

LL.B., M.Tech. (C.S.)



High Court of Andhra Pradesh and
District Courts at Anantapur &
Vijayawada (AP/646/2022)

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Date: 10-Jun-2026

REPRESENTATION

To,
Principal Secretary / Secretary to Government,
Home Department,
Government of Andhra Pradesh,
A.P. Secretariat,
Velagapudi, Amaravati,
Andhra Pradesh – 522503

Subject: Need for passing a State Amendment to the
New Criminal Laws viz. BNSS 2023, BNS 2023 – Regd.

Sir,

1. The Central Government enacted New Criminal Laws viz. BNSS 2023, BNS 2023 covering the entire country, whereby the earlier Criminal Laws (viz. Code of Criminal Procedure, 1973 and Indian Penal Code, 1860) were repealed effective from 01-Jul-2024.
2. But the State of Andhra Pradesh had earlier passed amendments (few are elucidated in below table) in our State Assembly in 1992 to the earlier Criminal Laws (viz. Code of Criminal Procedure, 1973 and Indian Penal Code, 1860).

AT ANANTAPUR

D.No. 11-968,
Aravinda Nagar,
Anantapur, A.P.
PIN: 515001

PRACTICE AREAS

- Criminal Litigation
- Matrimonial Litigation
- Public Interest Litigation

AFFILIATES

Shadesofknife.in
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Central Act	AP State Amendment
Section 494 IPC was Non-cognizable and Bailable.	Section 494 IPC was made Cognizable and Non-Bailable
Section 495 IPC was Non-cognizable and Bailable.	Section 495 IPC was made Cognizable and Non-Bailable
Section 496 IPC was Non-cognizable and Bailable.	Section 496 IPC was made Cognizable and Non-Bailable

3. Since Criminal Law and Criminal Procedure fall within the Concurrent List under Schedule VII to the Constitution of India, the State Legislature retains competence to enact State-specific amendments subject to Article 254 of the Constitution.
4. Due to the effect of Section 531 of the BNSS 2023, which explicitly repeals the Code of Criminal Procedure, 1973 and Section 358 of the BNS 2023, which explicitly repeals the Indian Penal Code, 1860, the above stated AP State amendments made to Code of Criminal Procedure, 1973 and Indian Penal Code, 1860 appear to have **become inoperative** unless specifically saved, adapted, or re-enacted.
5. **Doctrine of Repeal:** When a parent law is repealed, all amendments made to it (either by Central or State Governments) generally fall with it, unless specifically saved by the new Act.
6. Because of the above situation, there arises a need to "re-enact, save, or adapt the State amendments (as mentioned in para-2 *supra*) to bring them back to life in correspondence with the new laws."
7. For this reason, I am giving you this representation to your Ministry/Department, to review the State amendments made (as mentioned in para-2 *supra*) to the Code of Criminal Procedure, 1973 and Indian Penal Code,

1860 and ascertain if those amendments need to be re-enacted in our Assembly again with respect the corresponding provisions of the New Criminal Laws. I understand that, before filing a Public Interest Litigation, a person is required to issue a representation to the concerned department, as a mandatory prerequisite.

8. Of course, apart from the State amendments *supra*, your department may also consider reviewing any other provision of these two laws, with a view that conflicting judicial decisions, if any, do not militate the proposed State amendment. For this reason, I am citing a couple of Landmark judgments, which are correctly decided and therefore valid till date.

References:

1. A copy of the State amendment vide. **Code of Criminal Procedure (Andhra Pradesh Second Amendment) Act, 1992.**
2. A copy of the judgment of Hon'ble Supreme Court in Crl.Appeal.No 1428 of 2011 titled, "**A.Subash Babu Vs State of A.P. and Anr on 21 Jul 2011**" [2011 (7) SCC 616]
3. A copy of the judgment of Hon'ble High Court of Andhra Pradesh in Crl.P.No. 554 of 2011 titled, "**Miriyala Divya and 5 Others Vs Govt of AP on 19 September, 2014**" [2014 SCC ONLINE HYD 753]

Your Sincerely,

Sandeep Bhavan Pamarati

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