

*Appendix I***EXTRACT OF THE CRIMINAL PROCEDURE CODE, 1898**

(Act V of 1898)

Section 98 : Search of house suspected to contain stolen property, forged documents, etc.

1. If a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe,
 - that any place is used for the deposit of sale or stolen property or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coins or instruments or materials for counterfeiting coin or stamps or for forging,
 - or that any forged documents, false seals or counterfeit coin or stamps, or instruments or materials used for counterfeiting coin or stamps or for forging are kept or deposited in any place.

or if a District Magistrate, Sub-Divisional Magistrate, or a Presidency Magistrate, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit, sale, manufacture or production of any obscene object such as is referred to in Section 292 of the Indian Penal Code or that any such obscene objects are kept or deposited in any place he may by his warrant authorise any police officer above the rank of a constable:

- a. to enter with such assistance as may be required such place, and
 - b. to search the same in the manner specified in the warrant, and
 - c. to take possession of any property, documents, seals, stamps, or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials (or of any such obscene objects) as aforesaid, and
 - d. to convey such property, documents, sealed stamps, coins, instruments or materials (or such obscene object) before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and
 - e. to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instrument or materials (or such obscene objects) knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin, or stamps, or for forging (or for the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported).
2. The provisions with this section with respect to :
 - a. counterfeit coin,
 - b. coin suspected to be counterfeit, and

- c. Instruments or materials for counterfeiting coin, shall, so far as they can be made applicable, apply respectively to :
- i. pieces of metal made in contravention of the Metal Tokens Act, 1889 or brought into (India) in contravention of any notification for the time being in force under Section 19 of the Sea Customs Act 1878.
 - ii. pieces of metal suspected to have been so made or to have been so brought into (India) or to be intended to be issued in contravention of the former of those Acts, and
 - iii. instruments or materials for making pieces of metal in contravention of that Act.

Note: Scope: *The only sections in the Code which authorise a Magistrate to search without any proceedings have been initiated before him are Section 98 and 100.2 I.C. 436.*