

Difference between Cognizable and Non Cognizable Offences

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Cognizable and Non Cognizable offences are two important categories under India's criminal justice system, now governed by the Bharatiya Nyaya Sanhita (BNS) 2023 and Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023. These classifications determine police powers, legal procedures and seriousness of crimes. Cognizable offences involve grave threats requiring immediate police action, while Non Cognizable offences involve relatively minor harm requiring judicial approval before action. This distinction ensures balance between law enforcement authority and individual rights.

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The key Difference between Cognizable and Non Cognizable Offences lies in police powers, seriousness of crime and requirement of judicial permission before taking legal action.

Difference between Cognizable and Non Cognizable Offences

Aspect	Cognizable Offence	Non Cognizable Offence
Definition (Legal Basis)	Defined under Section 2(g) BNSS 2023 ; police can arrest without warrant as per legal schedule provisions.	Defined under Section 2(o) BNSS 2023; police cannot arrest without warrant and require magistrate authorization.
Nature of Crime	Involves serious offences affecting society directly such as violent crimes or threats to life and safety.	Involves less serious offences causing limited harm, often personal disputes without immediate public danger.
Police Authority	Police have full authority to act immediately, including arrest and investigation without prior court approval.	Police authority is restricted; action begins only after receiving explicit permission from a magistrate.
FIR Registration	FIR must be compulsorily registered under Section 173 BNS once information is received.	FIR is not registered directly; complaint is recorded and referred to magistrate for directions.
Arrest Without Warrant	Allowed under Section 35 BNSS; accused can be detained immediately to prevent further harm or evidence tampering.	Not allowed without warrant; arrest requires prior judicial approval ensuring procedural safeguards.
Investigation Power	Police can initiate investigation independently, collect evidence, record statements and proceed quickly.	Investigation begins only after magistrate order; delays may occur due to procedural requirements.
Severity of Punishment	Punishment generally includes imprisonment exceeding three years, life imprisonment, or even death penalty.	Punishment is lighter, usually fine or imprisonment up to three years depending on offence nature.
Examples with Sections	Murder (Section 101 BNS), Rape (Section 63), Kidnapping (Section 137), Robbery (Section 309).	Defamation (Section 356 BNS), Public nuisance (Section 270), Minor assault (Section 131).
Threat to Public Safety	Poses immediate danger to society requiring urgent intervention to maintain law and order.	Does not pose immediate large scale threat; impact is usually limited to individuals or small groups.

Court Jurisdiction	Cases are generally tried in Sessions Courts due to seriousness and gravity of offences involved.	Cases are tried in Magistrate Courts, reflecting relatively lower severity and simpler legal proceedings.
Legal Procedure Start	Begins with FIR filing, followed by immediate investigation, arrest and evidence collection by police.	Starts with complaint application, followed by magistrate scrutiny before allowing investigation.
Role of Magistrate	Magistrate supervises later stages such as remand, trial and judgment after police action begins.	Magistrate plays initial role by granting permission for investigation and issuing warrants if needed.
Time Sensitivity	Requires urgent action to secure evidence, prevent crime escalation and protect victims quickly.	Less urgent; procedure allows time for judicial review before police intervention begins.
Chargesheet Filing	Police file chargesheet after investigation in competent court for trial and final adjudication.	Chargesheet filed only after magistrate approved investigation is completed and evidence is collected.
Appeal and Trial Outcome	Trial may result in severe sentences; appeal can be filed in higher courts against conviction.	Trial usually results in minor penalties; appeal mechanism remains available for both parties.

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