BLOGS

Sectional Based Questions on the Procedure of Death Penalty under BNSS, 2023

Adtiya Aryan · 27 May 2026

It has been mentioned under BNSS, 2023, that only the session court has the authority to impose the death sentence in India. But such a sentence needs to be confirmed by the High Court. The death sentence can be confirmed, annulled, or altered by the High Court. A person below the age of 18 years cannot be awarded a death sentence in India as per BNSS, 2023. After the execution of the death sentence, a certificate needs to be submitted to the sessions court that had issued the death penalty. **1) Which court has original jurisdiction to impose the death penalty in India?** a. Any judicial magistrate first class

b. Sessions Court

c. High Court

d. Supreme Court **2) What is the mandatory requirement under section 258 of BNSS, 2023 when the sessions court passes a death sentence?** a. It needs to be confirmed by the Supreme Court

b. It needs to be submitted to the High Court for confirmation

c. It needs to be reviewed by the Human Rights Commission

d. The death sentence needs to be executed within 30 days and no appeal is granted in the case of death penalty **3) Can a death sentence be executed without the confirmation of the High Court?** a. Yes, if the accused waives of the right to appeal

b. Yes, it can be done after a 30 days of mandatory period

c. No, death sentences passed by the sessions court needs to be confirmed by the High Court

d. Yes, but cases related to terrorism and such acts **4) What power lies with the High Court when a death sentence is referred to it for confirmation?** a. It can confirm, annul, alter the conviction or even pass any other sentence as it deems fit under the law

b. It can either confirm or acquit the sentence but cannot enhance or reduce the sentence

c. It can commute the death sentence to life imprisonment

d. It must remand the case back to sessions court if there is no meeting of minds between both the courts **5) How many judges of the High Court are required to agree for a death sentence to be confirmed?** a. Single judge of the High Court can confirm the sentence

b. The chief justice must alone confirm the sentence

c. A bench of 3 judges is mandatory

d. At least 2 judges must agree and if they differ over the same, it is referred to the third judge **6) If 2 judges of the High Court disagree over the confirmation of the death sentence and it is referred to the third judge, who will determine the final outcome?** a. Chief Justice of High Court

b. Majority of the 3 judges

c. Opinion of the third judge alone becomes decisive

d. The case is directly referred to Supreme Court **7) The execution of the death sentence is carried through which mode in India?** a. Hanging by neck till death

b. Electrocution

c. Lethal Injection

d. Fire Squad **8) Who issues the warrant of execution after the death sentence is confirmed by the High Court?** a. The sessions court after receiving the confirmation from the High Court

b. The Supreme Court of India

c. The Chief Justice of High Court

d. The President of India **9) If the accused sentenced to death is found to be pregnant, what shall the High Court do?** a. The death sentence is postponed and may commute it to life imprisonment

b. Order immediate execution without exception

c. The death sentence is stayed permanently and the accused is set free

d. The matter is referred to Supreme Court for discussion **10) If the accused has been sentenced to death and his appeal or mercy petition is pending, can the execution still be carried out?** a. Yes, the execution needs to carried out in any possible way

b. No, the execution cannot place when the mercy petition or appeal is pending

c. Yes, it can take place after a waiting period of 21 days

d. Depends on the discretion of the waiting authority **11) In which case the death sentence is mandatorily commuted to life imprisonment by operation of law?** a. When the accused is above 70 years of age

b. When the accused has spent more than 14 years in prison

c. When the accused is of unsound mind at the time of execution and it comes to the notice of High Court or Supreme Court

d. When the accused is suffering from a terminal disease **12) Who among the following persons can be sentenced to death in India?** a. A person who abets a crime for which death is prescribed

b. A first time offender convicted for murder

c. A person convicted under NDPSC Act

d. All of the Above **13) Who is responsible for the execution of a death sentence in prison?**

a. Superintendent of police

b. The district magistrate

c. Sessions judge who issued the warrant

d. Superintendent of the jail/prison where the prisoner is confined **14) After execution of the death sentence, the certificate of execution needs to be submitted to which authority?** a. State Home Department

b. Sessions Court that issued the warrant of execution

c. High court and national human rights commission

d. District magistrate and state government **15) What is the difference between confirmation of death sentence in CrPC, 1973 and BNSS, 2023?** a. BNSS, 2023 has removed the confirmation of High Court altogether

b. BNSS , 2023 has introduced a special death penalty in all High Courts

c. Under BNSS, 2023 sessions court can confirm the death sentence itself and execute the death sentence without any chance to appeal and the same was mentioned in CrPC, 1973

d. BNSS, 2023 has retained the same procedure for confirmation of death sentence as mentioned under CrPc, 1973 **Answers Option b Option b Option c Option a Option d Option c Option a Option a Option a Option b Option c Option d Option d Option b Option d**