

## **B.A. LL.B. (Hons.) Semester – VI**

### **PAPER V LAW OF CRIMES – II (CRIMINAL PROCEDURE CODE)**

#### UNIT-I Introductory

The rationale of criminal procedure: the importance of fair trial

1. The constitutional perspectives: Article 14, 20 & 21

#### Pre – Trial Process: Arrest

1. The distinction between cognizable and non cognizable offences: relevance and adequacy problems
2. Steps to ensure accused's presence at trial: warrant and summons
3. Arrest with and without warrant (Section 70-73 and 41)
4. The absconder status (section 82, 83, and 85)
5. Right of the arrested person
6. Right to know ground of arrest (section 50 (1), 55,75)
7. Right to be taken to magistrate without delay (section 56,,57)
8. Right to not being detained for more than twenty- four hours (section 57): 2.9 Article 22 (2) of the constitution of India
9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail
10. Right to be examined by a medical practitioner (section 54)

#### Per –trail Process: Search and Seizure

1. Search warrant (section 83, 94,97, 98) and search without warrant (Section 103)
2. Police search during investigation (section 165, 166, 153)
3. General principles of search (section 100)
4. Seizure (section 102)
5. Constitutional aspects of validity of search and seizure proceedings

#### UNIT-II **Per –trail Process: Fir**

1. F.I.R. (section 154)
2. Evidentiary value of F.I.R. (see section 145 and 157 of Evidence Act)

#### Per –trail Process: Magisterial Powers to Take Cognizance

#### Trial Process

1. Commencement of proceedings: (section 200, 201, 202)
2. Dismissal of complaints (section 203, 204)
3. Bail: concept, purpose: constitutional overtones
4. Bailable and non- bailable offences (section 436, 437, 439)
5. Cancellation of bail (section 437 (5))
6. Anticipatory bail (section 438)
7. Appellate bail powers (section 389 (1), 395 (1), 437 (5))
8. General principles concerning bond (section 441 - 450 )

#### UNIT-III **Fair Trial**

1. Conception of fair trial
2. Presumption of innocence
3. Venue of trial
4. Right of the accused to know the accusation (section 221- 224)
5. The right must generally be held in the accused's presence (section 221-224)
6. Right of cross- examination and offering evidence in defence: the accused's statement
7. Right to speedy trial

#### Charge

1. Framing of charge
2. Form and content of charge (section 211, 212, 216)
3. Separate charge for distinct offence (section 218, 219, 220, 221, 223)
4. Discharge – pre- charge evidence

### Preliminary Pleas to Mar the Trial

1. Jurisdiction (section 26, 177- 188, 461, 462, 479)
2. Time limitations: rationale and scope (section 468 - 473)
3. Pleas of autrefois acquit and autrefois convict (section 300, 22D)
4. Issue Estoppel
5. Compounding of offences

### Trial before a Court of Sessions: Procedural Steps and Substantive Rights

### UNIT-IV Judgment

1. Form and content (section 354)
2. Summary trial
3. Post conviction orders in lieu of punishment: emerging penal policy (section 360, 361, 31)
4. Compensation and cost (section 357,358)
5. Modes of providing judgement (section 353, 362, 363)

### Appeal Review, Revision

1. No appeal in certain cases (section 372, 375, 376)
2. The rationale of appeals, review, revision
3. The multiple ranges of appellate remedies
4. Supreme Court of India (section 374, 379, Article 31 132, 134, 136)
5. High Court (section 374)
6. Session Court (section 374)
7. Special right to appeal (section 380)
8. Government appeal against sentencing (section 377, 378)
9. Judicial power in disposal of appeal (section 368)
10. Legal aid in appeals
11. Revisional jurisdiction (section 397- 405)
12. Transfer of cases (section 406, 407)

### UNIT – V **Juvenile Delinquency**

1. Nature and magnitude of the problem
2. Causes
3. Juvenile court system
4. Treatment and rehabilitation of juveniles
5. Juveniles and adult crime
6. Legislative and judicial protection of juvenile offender
7. Juvenile justice (Protection and Care) Act 2000

### Probation

1. Probation of offender's law
2. The judicial attitude
3. Mechanism of probation: standards of probation services
4. Problems and prospects of probation
5. The suspended sentences

### Reforms of Criminal Procedure

### Selected Bibliography

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (1998), Eastern Lucknow
3. Eastern Lucknow
4. Principle's commentaries on the Code of Criminal Procedure, 2 Vol. (2000) Universal
5. Woodroffe: Commentaries on Code of Criminal Procedure, 2. vol. (2000) Universal
6. Chandrasekharan Pillai, ed., Kelkar's outlines of Criminal Procedure (2001),