

7.3 Course – III, CRIMINAL LAW –II: CRIMINAL PROCEDURE CODE, 1973, JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND PROBATION OF OFFENDERS ACT, 1958.

Objectives:

Procedural Law providing for a fair procedure is significant for a just society. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organisation of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The students will also undertake the study of two cognate Acts as a part of this course viz.; *Juvenile Justice Act* and *Probation of Offenders Act*. In addition the course teacher shall endeavour to familiarise the students with the case paper like FIR, Police statement, charge sheet, etc.

Course Outcomes:

By the end of this course, students should be able to understand-

- 7.3.1 Students will understand importance of criminal procedure followed by criminal courts
- 7.3.2 It explains procedure from arrest till trials and punishments
- 7.3.3 It is important legislation which gives practical knowledge to students
- 7.3.4 It also covers appeals revision etc
- 7.3.5 It explains hierarchy of criminal courts

Contents:

UNIT – I- Introductory and Pre-trial Process

Meaning of procedure; The organization of the functionaries under the Code; their duties, functions and powers; First Information Report, complaint; Arrest; Types of trial and Features of a fair trial.

UNIT – II- Trial Process-I:

1. Magisterial Powers to take cognizance.
2. Commencement of proceedings.
3. Dismissal of complaints.
4. Charge.
5. Processes to compel appearance and production of things.
6. Bail.
7. Preliminary pleas to bar trial .

UNIT – III- Trial Process-II

- 1) Provisions as to Inquiries and Trials.
- 2) Judgment.
- 3) Appeals, Revision and Reference.
- 4) Security for keeping peace and good behaviour.
- 5) Maintenance.

UNIT – IV-Miscellaneous

Transfer of cases.

Execution, suspension, remission and commutation of sentences.

Disposal of property.

Preventive action of the police.

Irregular proceedings.

Limitation of taking cognizance.

Compounding of offences and plea bargaining.

Criminal Rules and Practice.

UNIT - V

Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000.

Salient features of the Probation of Offenders Act, 1958.

Prescribed Books:

Ratanlal & DhirajLal- The Code of Criminal Procedure.

Juvenile Justice (Care & Protection of Children) Act, 2000 -

Bare Act Probation of Offenders' Act, 1958-Bare Act

Reference Books:

R.V.Kelkar- Criminal Procedure.

Report of the Committee on Reforms of Criminal Justice System.