

SUBJECT : LAW OF CRIMES - II (CODE OF CRIMINAL PROCEDURE)

CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

SUBJECT CODE : H3KB

Objective of the Course

The law of Criminal Law is indented to provide a mechanism for the enforcement of criminal law. Without proper procedural law, the Substantial Criminal law which defines offences and provides punishments for them would be almost worthless. Every threat does not deter. Without deterrent effect, the Criminal law will have hardly any meaning or justification. Thus the law of Criminal Procedure is meant to be complementary to Criminal Law and has been designated to ensure the process of its administration.

Unit – I Criminal Procedure Code-Types, Functionaries:

Aquisitorial, inquisitorial – brief history about the code-definition-main functionaries of the code- powers of superior police officers and aid to the magistrates and police.

Unit – II Pre-Trial Proceedings:

Stages of Investigation - process compelling for the presence of the presence of accused for investigation and trial - arrest-procedure for arrest - rights of arrested persons-consequences of non - compliance of arrest procedures – search and seizure – process of investigation by police – investigation of unnatural and suspicious death – Local jurisdiction of the Courts in Inquires and Trials – cognizance of offence and commencement of proceedings – bail procedures – types of bail - General Provision regarding bond of accused and sureties.

Unit – III Trial Procedure:

Principal features of fair trial – Charge – Some common features regarding trial – Disposal of Criminal cases without full Trial – preliminary plea to bar trial – Trial before a Court of Session – Trial of warrant cases by Magistrates – Trial summons cases and summary Trial Special Rules of Evidence.

Unit – IV Appeal Procedures:

Types of Appeals - Reference and Transfer of Criminal Cases - Execution, Suspension, Remission and Commutation of Sentences – Execution of Sentence death penalty and Imprisonment – Execution of Sentence of fine - Preventive and Precautionary Measures for keeping peace and good behavior – Maintenance procedures – conditions for claiming maintenance – cancellation of maintenance – Muslim Women Protection of Rights on Divorce Act.

Unit – V Juvenile Justice Care and Protection Act, 2001 and Probation of Offenders Act, 1958

Introduction – Object – definitions – Statutory bodies for juveniles under the Act – Reformatory institutions for juveniles – Special offences – Probation – Object and meaning – Criminal court and probation – Duties of Probation officers - Report of the probation officers - conditions and cancellation of probation.

Statutory Material :

Code of Civil Procedure, 1973

Books Prescribed :

Books Recommended :

1. Ratanlal : Code of Criminal Procedure
2. Sarkar : Code of Criminal Procedure
3. Kelkar R.V. : Outlines of Criminal Procedure
4. Basu : Code of Criminal Procedure
5. Dr.Nandhal's : Code of Criminal Procedure (3 Volumes)
6. P. Ramanatha Iyer : Code of Criminal Procedure (3 Volumes)
7. Sohoni : Code of Criminal Procedure (4 Volumes)
8. R.B. Sethi : Probation of Offenders Act
9. Consuls : Probation of Offenders Act and Rules.
10. M.K.Chakrabarathi : Probation System in the Administration of Criminal Justice
11. Vedkumari (IT) : Treaties on the Juvenile Justice Act.
12. S.K. Swasthi : Judgements of Juvenile Justice Act 1986.
