

Law of Crimes – II : The Bharatiya Nagarik Suraksha Sanhita, 2023

Objective of the course :

- To acquaint with the importance of Nagarik Suraksha Sanhita.
- To provide knowledge about the procedural aspect of justice delivery system in India.
- To explain the power, function and jurisdiction of different courts in the country.
- To acquaint with the knowledge of investigation process and power of police.
- To develop an understanding of all the stages of criminal trials.

Syllabus:

1. Introduction and Overview

1.1. Preamble

1.2 Preliminary (Sec. 1 to 5)

2. Constitution and Powers of Criminal Courts and Offices (Sec. 6 to 34)

3. Pre Trial Procedures

3.1 Arrest Process and Rights of an Individual (Sec. 35 to 62)

3.1.1 The distinction between cognizable and non-cognizable offences: relevance and adequacy problem

3.1.2 Arrest with and without warrant

3.1.3 The absconder status

3.1.4 Rights of the arrested person

3.1.5 Steps to ensure accused's presence

3.1.6 Steps to ensure accused's presence

3.2 Processes to Compel Appearances (Sec. 63 to 93)

3.2.1 Summons

3.2.2 Warrant of Arrest

3.2.3 Proclamation and Attachment

3.3 Processes to Compel the Production of Things (Sec. 94 to 110)

3.3.1 Summons to produce

3.3.2 Search warrant and searches without warrant

3.3.3 General Principles of Searches

3.3.4 Seizure

3.3.5 Constitutional aspects of validity of search and seizure proceeding

3.4 Information to the Police and Their Powers to Investigate (Sec. 173 to 196)

3.4.1 **F.I.R.** (Sec. 173)

3.4.2 Evidentiary Value of **F.I.R.** (Sec. 174 and 176)

4. Trial Procedures

4.1 Jurisdiction of the Criminal Courts in Inquiries and Trials (Sec. 197 to 209)

4.2 Conditions Requisite for Initiation of Proceedings (Sec. 210 to 222)

4.3 Complaints to Magistrates (Sec. 223 to 226)

4.4 Commencement of Proceedings before Magistrates (Sec. 227 to 233)

5. Charge (Sec. 234 to 247)

5.1 Framing of Charge

5.2 Form of Charges

5.3 Joinder of Charges

6. Trial Procedures — Procedural Steps and Substantive Rights

6.1 Trial before a Court of Session (Sec. 248 to 260)

6.2 Trial of Warrant — Cases by Magistrates

6.2.1 Cases instituted on a police report (Sec. 261 to 266)

6.2.2 Cases instituted otherwise than on a police report (Sec. 267 to 270)

6.2.3 Conclusion of Trial (Sec. 271 to 273)

6.3 Trial of Summons - Cases by Magistrates (Sec. 274 to 282)

6.4 Summary Trials (Sec. 283 to 288)

6.5 Plea Bargaining (Sec. 289 to 300)

7. Inquiries and Trials

7.1 Attendance of Persons Confined or Detained In Prisons (Sec. 301 to 306)

7.2 **Evidence in Inquiries** and Trials

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7.3 General Provisions as to Inquiries and Trials (Sec. 337 to 366)

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8.1 Form and content

8.2 Post-conviction orders in lieu of punishment

8.3 Compensation and cost

8.4 Modes of providing judgement

9. Appeal, Reference, Revision and Transfer

9.1 Appeals (Sec. 413 to 435)

9.2 Reference and Revision (Sec. 436 to 445)

9.3 Transfer of Criminal Cases (Sec. 446 to 452)

10. Sentences

10.1 Submission of Death Sentences for Confirmation (Sec. 407 to 412)

10.2 Execution, Suspension, remission and commutation of sentences

10.2.1 Death Sentences (Sec. 453 to 456)

10.2.2 Imprisonment (Sec. 457 to 460)

10.2.3 Levy of Fine (Sec. 461 to 464)

10.2.4 General provisions regarding execution (Sec. 465 to 471)

10.2.5 Suspension, remission and commutation of sentences (Sec. 472 to 477)

11. Bail and. Bonds (Sec. 478 to 496)

11.1 Bailable and Non-Bailable offences

11.2 Cancellation of bail

11.3 Anticipatory bail

11.4 Appellate bail powers

11.5 General principles concerning bond

12. Fair Trial

12.1 Conception of fair trial

12.2 Presumption of innocence.

12.3 Venue of trial

- 12.4 Right of the accused to know the accusation
- 12.5 The right must generally be held in the accused's presence
- 12.6 Right of cross examination and offering evidence in defence: The accused's statement
- 12.7 Right to speedy trial

13. Other Provisions

- 13.1 Reciprocal Arrangements for Assistance in Certain Matters and Procedure for Attachment and Forfeiture of Property (Sec. 111 to 124)
- 13.2 Security for Keeping the Peace and for Good Behaviour (Sec. 125 to 143)
- 13.3 Order for Maintenance of Wives, Children and Parents (Sec. 144 to 147)
- 13.4 Maintenance of Public Order and Tranquility (Sec. 148 to 167)
- 13.5 Preventive Action of the Police (Sec. 165 to 172)
- 13.6 Provisions as to Accused Persons of Unsound Mind (Sec. 367 to 378)
- 13.7 Provisions as to Offences Affecting the Administration of Justice (Sec. 379 to 391)
- 13.8 Disposal of Property (Sec. 497 to 505)
- 13.9 Irregular Proceedings (Sec. 506 to 512)
- 13.10 Limitation of Taking Cognizance of Certain Offences (Sec. 513 to 519)
- 13.11 Miscellaneous (Sec. 520 to 531)

Suggested Readings:

1. S. R. Myneni, The Bharatiya Nagarik Suraksha Sanhita, 2023, Allahabad Law Agency
2. Dr. J. K. Verma, Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure) : A Commentary, Eastern Book Company
3. Ratanlal & Dhirajlal , Code of Criminal Procedure, Lexis Nexis-Butterworth Wadhwa, Nagpur
4. Chandrasekharan Pillai (Ed), Kelkar's Lecture on Criminal Procedure, Eastern, Lucknow.
5. Principles, Commentaries on the Code of Criminal Procedure, 2 Vol., Universal
6. Wood Roffe : Commentaries on the Code of Criminal Procedure, 2 Vol., Universal
Chandrasekharan Pillai (Ed), Kelkar's Outlines of Criminal Procedure, Eastern, Lucknow.
7. AIR's Criminal Major Act, AIR, Nagpur
8. R.V. Kelkar, Criminal Procedure, Eastern Book Co.
9. C.K. Thakkar, Criminal Procedure Code, Eastern Book Co.
10. S.N. Mishra , Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication
11. D.A. Sen, Criminal Major Act, Bharat Publication