COURSE MANUAL

LW_____ CRIMINAL PROCEDURE CODE

Course Instructor: Minakshi Das

SEMESTER A: 2014

BBA LLB 2013 & LLB 2013
Semester B

The information provided herein is by the Course Instructors. The following information contains the official record of the details of the course.

Part I

Course Title: CODE OF CRIMINAL PROCEDURE.

Course Duration: One Semester

No. of Credit Units: 4 credits

Level: BBA LLB 2013 & LLB 2013

Medium of Instruction: English

Pre-requisites: - The knowledge of the Indian Penal Code is essential.

Pre-cursors: Nil

Equivalent Courses: Nil

Exclusive Courses: Nil

The above information shall form part of the University database and may be uploaded to D space into the KOHA Library system and catalogued and may be distributed amongst students.

Part II

A. Course Description

This course is meant to be an overview of the Code of Criminal Procedure, 1973 (CrPC) which underpins the functioning of the criminal justice system. Students will be taught the procedure to be followed by the police, the courts and other stakeholders when a crime has been committed. Starting from the filing of an FIR right to the investigation of the crime to the trial and sentencing of the accused, the students will be given a complete overview of criminal procedural law. Additionally, special attention will be paid to the procedures to be followed for juveniles.
This course is mandatory for BBA LL.B. 2013 & LLB 2013

B. Course Aims

The aim of the course is to help familiarise the students with procedural aspects of the criminal justice system thereby creating a sound conceptual framework for studying substantive criminal law.

By the end of the course the students should be able to:

- Demonstrate an understanding of the principles underpinning the CrPC.

- Critically analyse complex issues arising out of the provisions of the CrPC and apply the same in practice.

C. Course Intended Learning Outcomes

<table>
<thead>
<tr>
<th>Course Intending Learning Outcomes:</th>
<th>Weight</th>
<th>Teaching and Learning Activities</th>
<th>Assessment Tasks/Activities</th>
</tr>
</thead>
</table>
| Identify the key issues in the field of criminal procedural law and apply relevant case law. | 50% | • Lectures will be delivered on each topic with the aid of PowerPoint slides.  
• Students are expected to have read the essential reading prescribed for each topic before class. | • Students will be tested on the topics covered in the lectures by way of a closed-book end of semester examination. |
| A critical understanding of the current controversies and issues in criminal procedural law and the ability to apply the provisions of the CrPC in practice. | 50% | • The tutorials will consist of an interactive Q&A session wherein students will be expected to answer questions posed by the lecturer and vice versa. | • Students will be set an MCT (Multiple Choice Test) which will account for 20% of the marks.  
• Students will have to submit an essay on a prescribed topic in criminal procedural law; this essay will account for 15% of the marks. |
- Students will be asked to make an application for bail and/or oppose an application for bail; this practical exercise will account for 10% of the marks.

- Class participation and attendance at lectures and tutorials will account for 5% of the marks.

D. Grading of Student Achievement

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Percentage Of marks</th>
<th>Grade Definitions</th>
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</thead>
<tbody>
<tr>
<td>O</td>
<td>80% and above</td>
<td>Outstanding</td>
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<tr>
<td></td>
<td></td>
<td>Outstanding work with strong evidence of knowledge of the subject matter, excellent organizational capacity, ability to synthesize and critically analyse and originality in thinking and presentation.</td>
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<tr>
<td>A+</td>
<td>75 to 79.75%</td>
<td>Excellent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize critically and analyse.</td>
</tr>
<tr>
<td>A</td>
<td>70 to 74.75%</td>
<td>Good</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills.</td>
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<tr>
<td>A-</td>
<td>65 to 69.75%</td>
<td>Adequate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.</td>
</tr>
<tr>
<td>B+</td>
<td>60 to 64.75%</td>
<td>Marginal</td>
</tr>
</tbody>
</table>
|              |                     | Limited knowledge of the subject matter, irrelevant use of materials and poor critical
and analytical skills.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
<th>Grade</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>55 to 59.75%</td>
<td>Poor</td>
<td>Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials.</td>
</tr>
<tr>
<td>B-</td>
<td>50 to 54.75%</td>
<td>Pass</td>
<td>“Pass” in a pass-fail course. “P” indicative of at least the basic understanding of the subject matter.</td>
</tr>
<tr>
<td>F</td>
<td>Below 50%</td>
<td>Fail</td>
<td>Fails in the subject</td>
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E. Coursework

Mid-Semester (Internals)

1. MCQ 15 marks
2. Research Papers on Adjective Law 10 marks
3. VIVA 10 marks
4. Class Participation 10 marks
5. Attendance 5 marks

End-Semester

1. A closed-book Examination on the entire syllabus (50%)
2. Class Participation and Attendance during the course (5%)

F. Plagiarism Policy

The course instructors will follow the well-established anti-plagiarism policy of the University with all essay submissions being vetted by plagiarism detection software. Students are therefore strongly encouraged to reference their work thoroughly to avoid any possibility of being accused of plagiarism.

G. Course Keywords

*Cognizance, FIR, Investigation, Warrant, Summons, Arrest, Trial, Judgment, Sentence, Appeal*
Part III

Course Reading

A. Bare Act (To be purchased)


B. Essential reading (To be Purchased)


C. Recommended Reading (Not to be Purchased; Available for Reference in the Library; Photocopies/Xerox will be provided)


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**Part IV**

Weekly Teaching Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>Lecture Topic/Reading List/Cases</th>
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</thead>
<tbody>
<tr>
<td>1 &amp; 2</td>
<td>Constitution and hierarchy of criminal courts – jurisdiction and powers of criminal courts – magistrates and their powers. <strong>Functionaries under the code</strong> – police – prosecutor – defence counsel – prison authorities and their role. <strong>Classification of</strong></td>
</tr>
<tr>
<td>1</td>
<td>offence – cognizable, non – cognizable, bailable, non – bailable, summons and warrants cases - pre-trial procedure – initiation of criminal proceedings – duty of the public to give information and to assist the magistrate and police. <strong>Process to compel appearance</strong> – steps to ensure accused’s presence at the trial – rights of the arrested persons – summons. <strong>Process to compel the production of things</strong> – search and seizure – production of documents – impounding of documents – proclamation and attachment – warrant – special summons in case of petty offence. <strong>Reading:</strong> <em>Kelkar, pp. 8-120</em> <strong>Case Study:</strong> <em>Maneka Gandhi. v. Union of India</em> (1978) 1 SCC 248 (the rights of arrested persons)</td>
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<tr>
<td>3 &amp; 4</td>
<td><strong>Investigation</strong> – information in cognizable cases – information in non bailable cases – police officers powers to investigate cognizable cases – rule of police as to non-cognizable cases – report to magistrate – examination of witnesses by police – recording of statements and its evidentiary value – police diary – report of police officer on completion of investigation – investigation in unnatural and suspicious deaths and death in police custody. <strong>Reading:</strong> <em>Kelkar pp. 121-197</em> <strong>Case Study:</strong> <em>Pala Singh v. State of Punjab</em> (1972) 2 SCC 640 (procedure for investigating a cognizable offence)</td>
</tr>
<tr>
<td>5</td>
<td><strong>Commencement of judicial proceedings</strong> – ordinary place of inquiry and trial – commitment of cases to Sessions Court– consolidation of cases relating to the same offence. <strong>Cognizance of offences by courts</strong> – limitations on the power of courts to take cognizance. <strong>Reading:</strong> <em>Kelkar pp.216-81</em> <strong>Case Study:</strong> <em>Sanjay Gandhi v. Union of India</em> (1978) 2 SCC 39 (commitment when case triable exclusively by Sessions Court)</td>
</tr>
</tbody>
</table>
| 6 & 7 | **Elements of fair trial** – rights of the accused person at the trial – treatment as to persons of unsound mind and mentally disabled. **Charge** – basic rules – alteration of charge – conviction of an offence not charged with – joinder of charges – effect of omission to frame or absence of or error in charge – double jeopardy. **Protection against self-incrimination** – accused as witness.  
*Reading:* Kelkar pp.335-47, 378-405, 432-4, 499-504  
| 8 | **Bail** – anticipatory bail – cancellation of bail – powers of magistrate, appellate court and courts of revision.  
*Reading:* Kelkar pp.282-334  
*Case Study:* State v. Jaspal Singh 1984 3 SCC 555 (grounds for granting/refusing bail) |
| 9 & 10 | **Trial** – preliminary pleas to bar trial of summons cases by magistrates – summary trial – trial before court of session – special rules of evidence – disposal of criminal cases without full trial – statements under section 313 CrPC and its use.  
*Reading:* Kelkar pp.484-581  
*Case Study:* State of U.P. v. Mohd. Iqram (2011) 8 SCC 80 (use of s. 313 statements) |
*Reading:* Kelkar pp.582-624, 710-42  
*Case Study:* Maru Ram v. Union of India (1981) 1 SCC 107 (remission and commutation of sentences) |
| 12 | **Appeals** – powers of the appellate court.  
*Reading:* Kelkar pp.625-85  
*Case Study:* Sanwat Singh v. State of Rajasthan AIR |
| 13 | Revision and Reference – Transfer of Cases. **Reading:** Kelkar pp.668-709  
*Case Study:* K. Chinnaswamy Reddy v. State of AP (revising finding of acquittal) |
|---|---|
| 14 | Juvenile Justice – juvenile courts, powers and functions – juvenile welfare board – powers and functions of probationary officers – machinery under juvenile justice act. **Reading:** Juvenile Justice System (Ed. Vijay Hansaria & P.I. Jose, 2010)  
*Chapters 4, 5 and Appendix*  
**Reading:** Juvenile Justice System, Vijay Hansaria & P.I. Jose |
**Reading:** Kelkar pp.745-9, 767-77, 789, 796-801  
*Case Study:* Karam Singh v. Hardayal Singh 1979 Cri LJ 1211 (use of force for dispersing unlawful assembly) |
| 16 | Revision Week |