



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.,LL.B.(HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (IV) – ACADEMIC YEAR.....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL405</b>	<b>CRIMINAL PROCEDURE CODE</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>		<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: BL405, CRIMINAL PROCEDURE CODE**

**B. COURSE CREDIT: 4 (TOTAL MARKS 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR. AMOL DEO CHAVHAN**

**E. COURSE INSTRUCTOR: DR. AMOL DEO CHAVHAN**

## **1. COURSE OBJECTIVES**

The objective of the course is to provide students with an overall understanding of the law of Criminal Procedure Code. The course will consider the basic principles of these laws which dominate its jurisprudence and the relevance of these laws in practice. The students under Criminal Procedure code should obtain a fair idea how the Code works as the main spring of criminal justice delivery system in India and abroad and should be exposed to the significant riddles of the procedure. The Criminal Procedure Code prescribes intrusion into individual rights by protecting just, fair and reasonable procedure as to victims the criminal procedure is a process to be carried out in an objective manner by balancing or conflicting interest of society and criminals. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise the discretion conferred on them in just and fair manner. The Code of Criminal procedure, 1973 had undergone many trials and experiments, too enormous to be place within a class room discussion. The law of criminal procedure is intended to provide a mechanism for the enforcement of criminal law .Without proper procedural law, the substantive criminal law which defines offences and provides punishments for them would be worthless.

The NLUA has introduced the Code of Criminal Procedure in undergraduate law course to provide a comprehensive idea on the administration of criminal justice system in the country. The basic object of the course is to provide students an overall idea and acquaint with working of criminal law, pre-trial and trial process and making students aware of the organization of the functionaries under the code, their powers and functions at various stages are to be exercised.

## **2. TEACHING METHODOLOGY**

Teaching will be mainly done through lectures by the principal teacher and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate issues involved in the course, Group exercises will also be used for some topics. Notes in the text, case law and materials from the web shall be used to provide one with source documents.

### **3. EXPECTED OUTCOMES OF THE COURSE**

- Summarize and outline course material and class discussion.
- Worth on problems assigned to your group.
- Identify and clarify anything confusing about concerned subjects.
- Students are expected to not only attend class, but devote out of class time to reading, checking websites and using other institutions resources.
- Identify the stages in investigation and procedure of trial in criminal cases
- Explain the powers, functions, and duties of police and criminal courts
- Critically analyze the recent amendments in the Cr PC
- Employ and promote adoption of humane and just practices in administration of criminal justice

### **4. COURSE EVALUATION METHOD**

The Course shall be assessed for 200 marks. The Evaluation scheme would be as follows

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

## **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

### **MODULE I**

- Historical background, Nature, Scope and Utility of Code of Criminal Procedure
- Concept and Definitions;
- Constitution of Criminal Courts-Powers and functionsJurisdiction of Criminal Courts.
- Hierarchy of police offices, Administrative officers and Prosecutors their powers and functions

### **MODULE II**

- First Information Report
- Investigation, Remand and Police ReportArrest; Rights of Arrested Persons
- Search, seizure and Production of Things
- Proclamation and Attachment
- Submission of final police report

### **MODULE III**

- Cognizance by Courts
- Filing of Complaints Commencement of Proceedings
- Process to compel appearance
- Framing of Charges Compounding of Offences (s. 320)
- Cognizance of offences by Magistrate
- Types of Criminal Trials;
- Trial before a Court of Sessions (ss. 225-237)
- Trial of Warrant -Cases by Magistrates (ss. 238-250): Cases instituted on a police report; Cases instituted otherwise than on a police report.
- Trial of Summons cases by Magistrates (s.251-259)Summary Trials (ss. 260-265)
- General provisions of Trial
- Power to examine the accused (s.313)
- Power to Proceed against other Persons (s.319)

### **MODULE IV**

- Maintenance of Wives, Children and Parents (s. 125-128)
- Plea Bargaining (S.265 A- 265 L)
- Limitation
- Judgment

- Attachment & Disposal of Property
- Appeal, Reference, Revision Provisions relating to the Bail
- Execution, Suspensions, Remission and Commutation of Sentence
- Inherent Power
- Recent Amendments

## **6. REFERENCE READINGS:**

- K.N.Chandrasekharan Pillai, R.V. KELKAR'S CRIMINAL PROCEDURE, EBCPublishing (P) Ltd,
- Ratanlal&Dhirajlal, THE CODE OF CRIMINAL PROCEDURE, Lexis Nexis Butterworths Wadhwa, Nagpur,
- Surendra Malik and Sudeep Malik, Supreme Court on Bail, Anticipatory Bail and Quashment, Eastern Book Company
- Aiyer, Mitter, Law of Bails- Practice and Procedure, Law Publishers(India) Pvt. Ltd.,
- V. Ramakrishna, Law of Bail, Bonds, Arrest and Custody, Lexis Nexis,
- P.K. Majumdar, Law of Bails, Bonds and Arrest, Orient Publication,
- Justice P.S. Narayana, Code of Criminal Procedure, ALT Publications,
- Bare Act of Code of Criminal Procedure, 1973 Latest Edition
- S.C. Sarkar, The Law of Criminal Procedure, Wadhawa & Co. , Nagpur,

## **CASES FOR REFERENCE (not exhaustive list add some recent decisions)**

- Lalita Kumari v. Govt. of Uttar Pradesh, 2008 (11) SCALE 154
- Lalita Kumari v. Govt. of Uttar Pradesh, 2008 (11) SCALE 157
- Lalita Kumari v. Govt. of Uttar Pradesh, 2013 (13) SCALE 559
- Lalita Kumari v. Govt. of Uttar Pradesh, CrI.M.P. no.5029 of 2014 in Writ Petition (CrI.) No.68 of 2008
- Youth Bar Association of India v. Union of India and Others WRIT PETITION (CRL.) NO.68 OF 2016
- State of Orissa v. Sharat Chandra Sahu, (1996) 6 SCC 435
- Madhu Bala v. Suresh Kumar, (1997) 8 SCC 476
- Sakiri Vasu v. State of Uttar Pradesh, (2008) 2 SCC 409
- D.K.Basu v. State of West Bengal, (1997) 6 SCC 642
- State of Haryana v. Dinesh Kumar, (2008) 3SCC 222
- Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273
- State v. Captain Jagjit Singh, (1962) 3 SCR 622
- Moti Ram v. State of M.P., (1978) 4 SCC 47
- Gurcharan Singh v. State (Delhi Admn.), (1978) 1 SCC 118

- Sanjay Chandra v. Central Bureau of Investigation, (2012)1 SCC 40
- Shri Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565
- State (Delhi Administration) v. Sanjay Gandhi, (1978) 2 SCC 411
- Mohan Singh v. State of Bihar, (2011)9 SCC 272
- Ajay Kumar Parmar v. State of Rajasthan, (2012)9 SCALE 542
- Abdul Karim v. State of Karnataka, (2000) 8 SCC 710
- Zahira Habibulla H. Shiekh v. State of Gujarat,(2004) 4 SCC 158
- Mohammed Hussain v. State (Govt. of NCT Delhi),(2012) 9 SCC 408
- Mohd. Ajmal Amir Kasab v. State of Maharashtra,(2012) 9 SCC 1
- Hardeep Singh v. State of Punjab,(2014) 3 SCC 92
- Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1 (2012) 9 SCC 1
- Mrs. Neelam Katara v. Union of India, ILR (2003) II Del 377
- Gian Singh v. State of Punjab, (2012) 10 SCC 303
- State of M.P. v. Deepak, (2014) 10 SCC 285