



KIIT SCHOOL OF LAW

**SYLLABUS [3rd SEMESTER]
B.A.LL.B/B.B.A LL.B/B.Sc LL.B.
(Batch 2015-20)**

**Criminal Procedure Code
[LW 2015]**

**PRINCIPAL TEACHER
CO-TEACHER**

**:MR. S.C. MISHRA
:DEBLINA MAJUMDER**

MECHANICAL DATA

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| 1. Course | B.A. LL.B.; B.Sc. LL.B. and B.B.A.
LL.B |
| 2. Semester | Third |
| 3. Subject | Criminal Procedure Code |
| 4. Course Code | LW 2015 |
| 5. Nature of Subject | Compulsory Paper |
| 6. Subject Overview | This course is to enlighten the minds of the students regarding the procedural aspects of the working of criminal courts and other machineries. |
| 7. Principal Teacher | Mr. S.C. Mishra |
| 8. Co-Teacher | Deblina Majumder |
| 9. Credit hours/week | 6 hours/ week |
| 10.Room No. | 6/7/8/9 |

OBJECT

This class will provide students an overview of the criminal justice delivery system. The course will trigger off by providing an orientation on the fundamentals of the criminal procedure prevailing in India, including the theoretical and practical aspects of the Code of Criminal Procedure. Sincere attempts shall be made in relating theoretical aspects with practical aspects in the field of law.

OBJECTIVES

- To acquire an understanding of the concept and types of criminal justice system.
- To disseminate knowledge on investigation, inquiry and trial procedure.
- To aware students on juveniles in conflict with law, probation system in India and victim compensation scheme.
- To appreciate and discuss various case laws.

TEACHING LEARNING METHODOLOGY

The teaching methodology that shall be adopted in this paper is a combination of lecture method, case study, and interactions. This shall be followed by discussions on case laws.

EVALUATION SYSTEM

TOTAL ASSESSMENT	100 MARKS
INTERNAL ASSESSMENT	50MARKS
	<i>Continuous evaluation</i> 20 MARKS
	<i>Mid Sem Assessment</i> 30MARKS
END SEMESTER EXAMINATION	50MARKS

DISPUTE RESOLUTION

The student will be shown their respective mid-semester answer sheets and will be intimated at the earliest about the marks he/she has secured in all the internal tests and assignments. If the student has any doubt as to the nature and extent of evaluation, he/she may approach the principal faculty within a period of 3 days from the date of display of answer sheet / date of communication of marks. In all matters thereafter, the Director shall serve as the final authority to dispose of any dispute arising as a result of such doubt.

DETAILED SYLLABUS

• **MODULE 1: INTRODUCTION**

- Orientation to the code.
- Territorial division and classification of criminal courts.
- Functionaries under the Code and their duties: functions and powers: Court, Police, Prosecution, Defence, Correctional Services Personnel.
- Consecutive and concurrent sentences.
- Constitutional Perspective: Fair Trial: Concept and features.

Case law: Prakash Singh vs. Union of India (2006) 3 SCC (Cri) 417

Hussainara Khatoon vs. Home Secretary, State of Bihar. 1979 AIR 1360

Md.Ajmal Md.Amir Kasab vs State Of Maharashtra

• **MODULE 2: PRE-TRIAL STAGE**

- Pre-trial process :Arrest- Compulsion of Appearance

Case laws:

- *Joginder Singh vs. Sate of UP (1994) 4 SCC 260*
- *NilabatiBehara vs. State of Orissa (1993) 2 SCC 746*
- *Maneka Gandhi vs. Union of India (1978) 1 SCC 248*
- *Madhu Limaye, In re (1969)1 SCC 292*
- *Delhi Judicial Service Association vs. State of Gujarat (1991)4 SCC 406*
- *D.K. Basu vs. State of West Bengal (1997) 1 SCC 416*

- Pre-trial process : Search and seizure

- *Case laws:*

V.S. Kuttan Pillai vs. Ramakrishnana, 1980 SCC (Cri) 226

Ramesh vs. LaxmiBai (1998) 9 SCC 266

M.P.Sharma vs. Satish Chandra AIR 1954 SC 300

- Provision for investigation:

- *Case laws: D.K. Basu vs. State of West Bengal (1997) 1 SCC 416*

Jogender Nayak vs. State of Orissa (2000) 1 SCC 272

• **MODULE 3: MAGISTERIAL POWERS**

- Pre-trial process: Magisterial Powers to take cognizance
- *Case law: Sampat Singh vs. State of Haryana (1993) 1 SCC 561*

- **MODULE 4: TRIAL**

- Trial Process:
 - Commencement of proceedings
 - Dismissal of complaints
 - Commitment of Case to Session Court
 - Bail
- Charge:
Case law: V.C. Shukla vs. State through C.B.I, 1980 SCC (Cri) 695
- Preliminary pleas to bar the trial: Jurisdiction; Time limitation; plea of *autrefois acquit* and *autrefois convict* ; Estoppel;
- Compounding of offences.
- Irregular proceedings.
- Inherent powers of the court.
- Evidence in inquiries and trials.

Case Laws:

Hussainara Khatoon vs. Home Secretary, State of Bihar 1979 AIR 1360

Gurbaksh Singh Sibbia Etc vs State Of Punjab 1980 AIR 1632

- **MODULE 5: TYPES OF TRIAL**

- Court of sessions
- Warrant cases
- Summons cases
- Summary Trial.
- Trial of insane accused.

- **MODULE 6: JUDGMENT, APPEAL, REVIEW AND REVISION**

- Judgment:
- Appeal, Review, Revision.

- **MODULE 7: PREVENTIVE AND PRECAUTIONARY MEASURES (SS. 129-153):**

- Prevention of cognizable offences
- Prevention of injury to public property
- Security for keeping peace-good behaviour
- Public nuisance – conditional order for removal of nuisance-consequential steps- apprehended danger
- Dispersal of unlawful or potentially unlawful assemblies
- Preventive measures in respect of land or water disputes

- **MODULE 8: MISCELLANEOUS:**

- Proceedings for maintenance of wives, children and parents;
- Juvenile Justice (Care and Protection of Children) Act, 2000:

- Probation;
- Victim Compensation;
- Plea-bargaining.

STUDENT TEXT:

Kelkar, R.V. -Criminal Procedure

Chakraborty, N.K. - Probation System in the Administration of Criminal Justice

Ratanlal and DhirajLal- Code of Criminal Procedure

Sarkar on Criminal Procedure Code

Ved Kumari-Juvenile Justice System

Woodroffe, Commentaries on Criminal procedure Code

DAY TO DAY SCHEDULE

S. no.	Module	Topic	Credit hours
1.	Module 1 Introduction:	1. Orientation to the code. 2. Territorial division and classification of criminal courts. 3. Functionaries under the Code and their duties: functions and powers: Court, Police, Prosecution, Defence, Correctional Services Personnel. 4. Consecutive and concurrent sentences. 5. Constitutional Perspective: Fair Trial: Concept and features.	1.5+0.5+1+1=4
2.	Module 2 Pre-trial stage:	1. Pre-trial process :Arrest- Compulsion of Appearance 2. Pre-trial process : Search and seizure 3. Provision for investigation: 4. Related Case laws	(3+3+3+1)=10
3.	Module 3 Magisterial Powers	1. Pre-trial process: Magisterial Powers to take cognizance Case law: Sampat Singh vs. State of Haryana (1993) 1 SCC 561	2
4.	Module 4 Trial:	Trial Process: <ul style="list-style-type: none"> • Commencement of proceedings • Dismissal of complaints • Commitment of Case to Session Court • Bail • Charge 	4

		<ul style="list-style-type: none"> • Preliminary pleas to bar the trial: Jurisdiction; Time limitation; plea of <i>autrefois acquit</i> and <i>autrefois convict</i> ; Estoppel; Compounding of offences. • Irregular proceedings. • Inherent powers of the court. • Evidence in inquiries and trials. • Case law: V.C. Shukla vs. State through C.B.I, 1980 SCC (Cri) 695 • Preliminary pleas to bar the trial: Jurisdiction (Ss. 26, 117, 188, 461, 462, 479); Time limitation (Ss. 468-473); plea of <i>autrefois acquit</i> and <i>autrefois convict</i> (Ss. 300, 220); Estoppel; Compounding of offences. 	
5.	Module 5 Types of trial:	Court of sessions; Warrant cases; Summons cases, Summary Trial and Trial of insane accused persons.	8
6.	Module 6 Judgment, Appeal, Review and Revision:	<ul style="list-style-type: none"> • Judgment: • Appeal, Review, Revision 	5+5=10
7.	Module 7 Preventive and Precautionary Measures (Ss. 129-153):	<ul style="list-style-type: none"> • Prevention of cognizable offences • Prevention of injury to public property • Security for keeping peace-good behaviour • Public nuisance – conditional order for removal of nuisance- consequential steps- apprehended danger • Dispersal of unlawful or potentially unlawful assemblies • Preventive measures in respect of land or water disputes 	6+4=10
8.	Module 8 Miscellaneous:	<ol style="list-style-type: none"> 1. Proceedings for maintenance of wives, children and parents. 2. Juvenile Justice(Care and Protection of Children) Act, 2000: 3. Probation: 4. Victim Compensation 5. Plea-bargaining. 	2+3+3+2+2=12