

CRIME

Report in writing or oral u/s 154 Cr.P.C.

FIR Registered

Investigation - Sec. 2(h) Cr. P.C
(Collection of all evidence)

Observation Mahazar, Sketch, Recovery of
Material Objects found in the scene of
occurrence (Relevancy of Facts)

Arrest - Sec. 41 Cr. P.C

Confession of an accused - Sections 24
to 27 of Indian Evidence Act

Section 24 - Indian Evidence Act -
Confession caused by Inducement, threat
or promise or irrelevant in criminal
proceedings

Section 25 - Indian Evidence Act -
Confession to police officer not to be
proved

Section 26 - Indian Evidence Act - Confession
of an accused - in custody of police - not to be
proved against him

Section 27 – Indian Evidence Act – How much of information from an accused can be proved

1. Accused must be in custody of police officer

2. There must be an information (Whether confession or not)

3. Leading to recovery of fact (Distinctly Proved)

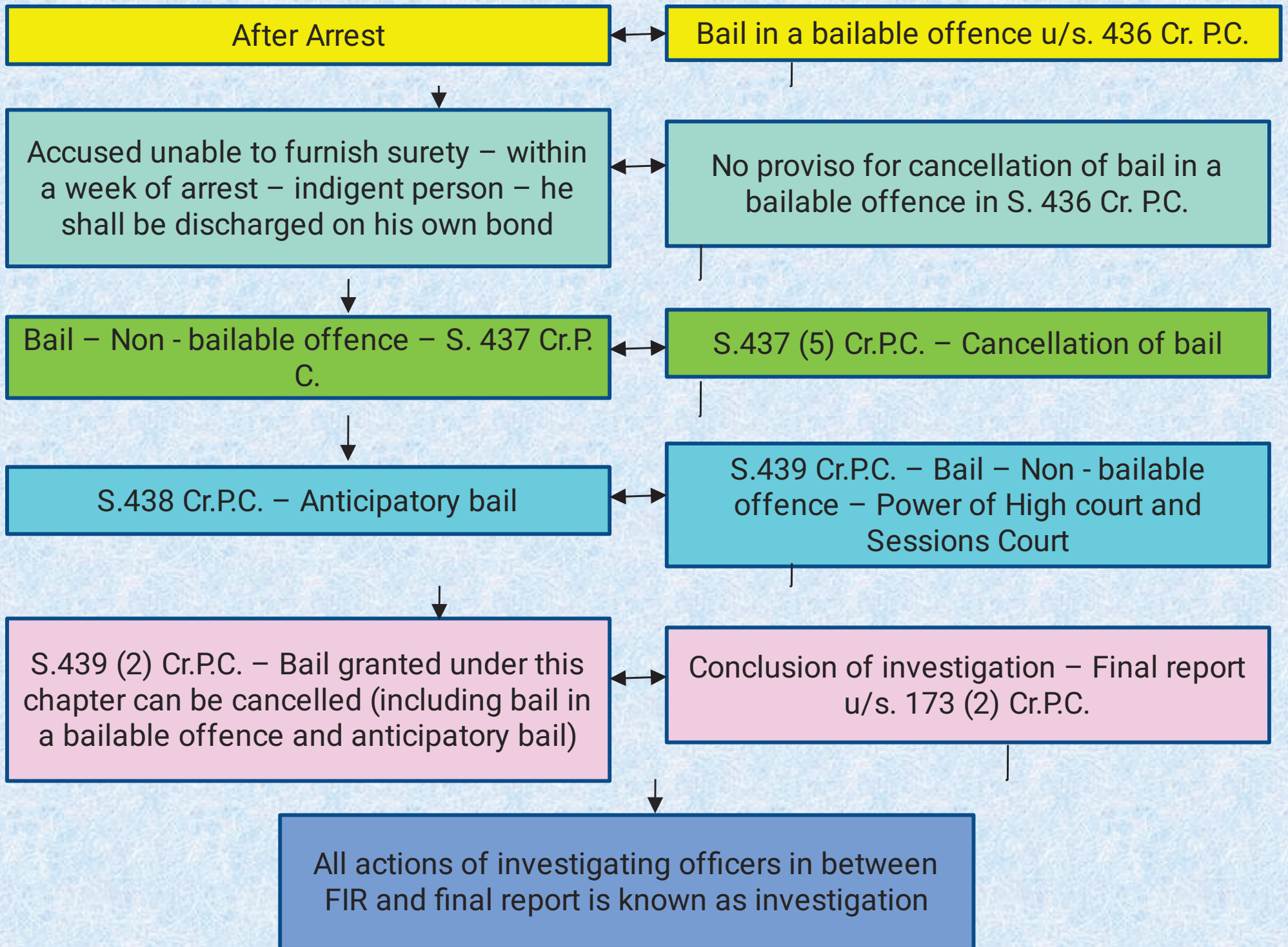
4. Need not be recovery of Material Object

5. Accused need not be under arrest – Custody of Police Officer

Search – u/s. 93 to 101 Cr. P.C

Recording of statement from witnesses – u/s. 161(3) Cr. P.C

Section 162 Cr.P.C – Signature of witnesses not to be obtained in statements



FIR not registered

Complaint in writing to Suptd., Of Police
154(3) Cr.P.C.



If no action taken

Complaint u/s. 156(3) Cr.P.C. before the
Judicial Magistrate



Finally, direction petition u/s. 482 Cr.P.C.,
Before the High Court

Final report u/s. 173 Cr.P.C.

Positive final report

Judicial
Magistrate
takes
cognizance u/
s.190 Cr.P.C.

Summons to be
issued against
accused

Negative final report

Judicial
Magistrate has
to send notice
to de- facto –
complainant
(Though there is
no provision)

Protest petition
can be filed by
the de- facto –
complainant

CRIMINAL TRIAL

TRIAL BEFORE COURT OF SESSIONS

Sec. 225 Cr.P.C. Trial shall be conducted by Public Prosecutor

Sec.226 Cr.P.C. Public Prosecutor shall open prosecution case

Sec. 227 Cr.P.C. – Discharge – Record of the case, documents submitted and submissions prosecution and accused shall be heard – if no sufficient ground to proceed – discharge – reason must be recorded

Sec. 228 Cr.P.C. framing of charge

1. If not exclusively triable by Court of Sessions – frame charge – transfer for trial to CJM

2. Charge shall be read and explain to accused

Sec. 229 Cr.P.C. – Conviction on plea of guilty

Sec.230 Cr.P.C. – date for prosecution evidence – Accused refused to plead – does not plead – claims for trial – shall fix date for examination of witnesses

Sec. 231 Cr.P.C. – evidence for prosecution

Sec. 232 Cr.P.C. – Acquittal – If there is no evidence the accused – record an order of acquittal

Sec. 233 Cr.P.C. – If not acquitted u/s. 232 Cr.P.C. – Defence evidence to be recorded

Sec. 313 (1) (b) Cr.P.C. – All the incriminating evidence shall be put to accused

Sec. 234 Cr.P.C. - Arguments

Sec. 235 Cr.P.C. – Judgment of Acquittal or Conviction

Sec. 236 Cr.P.C. – Previous conviction if charged u/s. 211(7) Cr.P.C. – If the accused denies previous conviction – record evidence

TRIAL BEFORE THE JUDICIAL MAGISTRATE

SUMMONS CASE

Sec. 251 Cr.P.C. – Particulars of offence shall be stated – shall not be necessary to frame a formal charge

Sec.252 Cr.P.C. – Conviction on plea of guilty – if accused pleads guilty – conviction can be recorded

Sec. 253 Cr.P.C. – Conviction on plea of guilty in the absence of accused – in petty cases

Sec. 254 Cr.P.C. – Procedure when not convicted. If not convicted u/s. 252 or 253 Cr.P.C. – to proceed – to record evidence on both sides

Sec. 255 Cr.P.C. – Acquittal or Conviction

Sec. 256 Cr.P.C. – Non appearance or death of the complainant – if complainant does not appear on the date fixed – acquit the accused – or hearing can be adjourned for reasons to be recorded – Appearance can be dispensed with

1. Finds accused not guilty – record an order of acquittal

2. If does not proceed u/s. 325 or 360 Cr.P.C. sentence can be passed (If finds accused guilty)

Sec. 257 Cr.P.C. – Withdrawal of complaint
– Before final order is passed – on
satisfaction permit the complainant to
withdraw the case



Sec. 258 Cr.P.C. – Power to stop
proceedings in certain cases – In a police
report case – before pronouncing
judgement – stop the proceedings

Sec. 259 Cr.P.C. – Summons case can be
converted into Warrant case – If
converted may proceed to rehear the case

- **Contradiction between Accident Register and prosecution case.**
 - 2010(1) MWN CrI. 114
 - (2009)2 MLJ CrI. 769
 - (2007)2 MLJ CrI. 153
 - (2005)2 LW.CrI. 779
 - 2005 II MWN CrI. 55
- **Non-marking of said intimation, Non-examination of witness – fatal to the prosecution –**
2003 II LWCrI. 767
- **How Investigation Officer came to know that particular witness had seen the occurrence –**
2003 II LW CrI. 743
- **Bloodstained earth-clothes – failure to send for chemical examination – effect.**
 - 1976 SCC (CrI.) 1671
 - 1994 CrI.L.J 23
 - 1997 CrI.L.J 3773
 - 1976 CrI.L.J. 1736

- **Absence of bloodstains from the place of occurrence – failure to locate – deprived the valuable evidence**
 - 1974 SCC (CrI.) 455
 - 1975 SCC (CrI.) 225

- **Bloodstained Aruval – Not sent for chemical examination – Prosecution can not be believed.**
 - 1998 CrI.L.J 4145
 - 1975 SCC (CrI.) 530

Several people gave blows - it is impossible to particularize the blows if a witness attempt to do so his veracity is highly doubtful

- 1972 CrI.L.J. 262
 - 1981 SCC (CrI.) 679
-
- **First Information Report is doubtful – A complete collapse of the foundation of prosecution case**
 - 1990 LW (CrI.) 175
 - 1997 CrI.L.J. 3773

- Deceased history sheet rowdy – he must have number of enemies – defence probable
 - 1989 SCC CrI. 585

- Non-examination of Head Constable who recorded FIR – fatal.
 - 2000(1) LW (CrI.) 326

- Non-examination of Doctor who recorded A/R – fatal.
 - 2001(1) LW. (CrI.) 354
 - 1999(4) CrI.L.J. 4070 – Para 25
 - 1995(2) CrI.L.J. 2412 – Para 7

- Genuineness of FIR – Copy of FIR – Forwarded to Postmortem Doctor – Guideline by Supreme Court.
 - 1994 SCC CrI. 1390
 - Mahadevan & Ors. Vs. State – CDJ 2012 MHC 3953
 - AIR 2008 SC 2349

➤ **IMPORTANCE OF CROSS-EXAMINATION**

- 2016 (1) LW (Crl)
- AIR 2008 SC 92
- AIR 1988 SC 1998

➤ **CASE AND COUNTER CASE**

- AIR 1976 SC 2263
- 2001(2) SCC 688
- 2011(1) MWN (Crl) 653
- 2011(1) MWN (Crl) 197
- 2011(3) MWN (Crl) 474
- 2012(1) MWN (Crl) 546
- 2013(3) MLJ (Crl) 481

➤ **CORRECTIONS IN FIR – DOUBTFUL**

- 2007 MLJ (I) (Crl) 796
- 2007 MLJ (II) (Crl) 153
- 2008 MLJ (III) (Crl) 257

FIR

- 2016(2) SCC (Crl.) 287
- There was no material or suggestion that FIR was tampered or it was fabricated at a later time by antedating it – since there was no suggestion suspecting the genuineness of FIR, it was accepted and the conviction was recorded.

➤ **FURTHER INVESTIGATION**

- 2016(2) SCC (Crl.) 259
- Judicial Magistrate before home, final report was filed, is empowered would direct further investigation and direct the police to file supplementary charge sheet.

IDENTIFICATION PARADE

- 2016(2) SCC (Crl.) 457
- Fatal shoot out in a crowded place – insufficient time to identify the accused – improper identification parade – rejected acquittal ordered.

➤ JUDGMENT ON MEDICAL GROUND

- 2008(3) Crimes 313 (SC)
- Wife died in matrimonial home – one of the circumstances which has to be considered by the Court is whether the alleged cruelty was of such nature as was likely to drive the woman to commit suicide.
- (2013)8 SCC 83 (SC)
- Schizophrenia may start with overwhelmingly neurotic symptoms, which are so prominent that in the early stages, it may be diagnosed as neurosis. When schizophrenia begins in an obsessional illness.
- 2004(2) Crimes 385
- The fact that the report of the medical officer is admissible in evidence does not necessarily mean that it is conclusive proof regarding mental condition of the concerned individual.
- 1995(1) Crimes 544 (Mad)
- The medical evidence contrary to direct evidence on record – The doctor who conducted the post-mortem found that rigour mortis was present in the lower limbs and he opined that the deceased must have died due to sub-dural haemorrhage in the posterior cranial fossa about 18 to 24 hours prior to the postmortem – There was evident contradiction between the *medical evidence* and evidence of direct witnesses – The order of acquittal upheld.

- 1992(1) Crimes 1053 (Mad)
- The doctor noticed signs of decomposition on the body and found that rigour mortis had passed away and blisters could be noticed – The skin peeled off on skin, legs and chest – Scrotum and penis were found swollen and abdomen distended – The doctor opined that the death was due to injuries on the vital organ and occurred 42 to 46 hours to conducting of the autopsy.

➤ EXTRA-JUDICIAL CONFESSION

- (2016) 3 MLJ (CrI) 434
- Computer Print-out of confession of accused – all the circumstances not proved – acquittal.

- (2016) 3 MLJ (CrI) 493
- There was no corresponding internal injury – Death due to cardiac arrest – the deceased had stated to the doctors that he was attacked by only one known person – it will falsify eyewitness account – appeal partly allowed.

CHAPTER VIII
SECURITY FOR KEEPING
THE PEACE AND FOR GOOD
BEHAVIOUR

Sections 106 to 124 Cr.P.C

Sec 106 – Judicial

Sec 107 to 110 Executive Magistrate

- Sec 106 Security for keeping peace
- Sec 107 Security for keeping peace in other cases
- Sec 108 Security for good behaviour from persons disseminating seditious matters
- Sec 109 Security for good behaviour from suspected persons
- Sec 110 Security for good behaviour from habitual offenders
- Object is preventive and not punitive
- Ram Narain Singh Vs State of Bihar 1972 SCC (Crl 870)

Sec 106

- Security for keeping peace
 - On Conviction
 - Sessions court or Judicial Magistrate
 - Offences under chapter VIII IPC
 - Except section 153 - A, 153 - B, 154
 - Assault/ using criminal force/ mischief
 - Criminal intimidation
 - Any other offence which likely to cause breach of peace
 - Abetting such offence

Sec 106

- Security for keeping peace
 - At the time of passing sentence
 - With or without sureties
 - For keeping peace
 - Period of bond not exceeding 3 years
 - If conviction is set aside on appeal/ otherwise bond becomes void
 - Order can be passed either by appellate court / revisional court

Sec 107

- Security for keeping the peace in other cases
 - Executive Magistrate receives information
 - Breach of peace/ disturb the public tranquillity
 - Opinion that sufficient ground for proceeding
 - SUBJECTIVE SATISFACTION
 - With or without sureties not exceeding one year
 - Jurisdiction – either the place where breach of peace is apprehended or where the person

Sec 108

- Security for good behaviour – DISSEMINATING SEDITIOUS MATTERS
 - Executive Magistrate receives information
 - Within his jurisdiction
 - Offender within or without jurisdiction
 - Oral/ writing/ any other manner
 - Intentionally disseminates/ attempts to... or abets...
 - Publication under 124 A / 153 A / 153 B/ 295 A IPC
 - Any matter concerning a judge acting or purporting to act-discharge of official duties – criminal intimidation or defamation
 - Makes/ producers/ publishers or keeps, for sale import export conveys sales lets to hire distribute – circulation – any obscene matter referred 292 IPC

Sec 108

- With or Without sureties
 - Bond for his **GOOD BEHAVIOUR**
 - Not exceeding one year
 - No proceedings shall be taken – editor/ proprietor/ printer/ publisher register under press and registration of book act 1867
 - Except by the order or under the authority of the State

Sec 109

- Security for good behaviour - **SUSPECTED PERSONS**
 - Executive Magistrate receives information
 - Within his jurisdiction
 - A person taking precautions to conceal his presence
 - There is a reason to believe
 - Committing cognizable offence
 - Bond with or without sureties
 - Not exceeding one year

Sec 110

- Security for good behaviour – HABITUAL OFFENDERS
 - Executive Magistrate receives information
 - Within his jurisdiction
 - A person is by habit a receiver of stolen property knowing the same to have been stolen
 - Habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property
 - Habitually commits, or attempts to commit, or abets the commission of the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the IPC (45 of 1860) or under Sec 489 – B, 489- C, 489 – D

Sec 110

- Security for good behaviour – HABITUAL OFFENDERS
 - Habitually commits/ attempts to commit/ abets the commission of – any offence under one or more of the following Acts,
 - The Drugs and Cosmetics Act 1940 (23 of 1940)
 - The Foreign Exchange Regulation Act, 1973 (46 of 1973)
 - The Employees Provident Fund Act, 1952
 - The Prevention of Food Adulteration Act, 1954
 - The Essential Commodities Act, 1955
 - The Untouchability (Offences) Act, 1955
 - The Customs Act, 1962
 - The Foreigners Act 1946

Sec 110

- Habitually commits/ attempts to commit/ abets the commission of offences, involving a breach of the peace
- Any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption
- Is so desperate and dangerous as to render his being at large without security hazardous to the community

Sec 111

- Very important provision in this chapter
- If this provision has not been followed by the Executive Magistrate, the proceedings will be quashed.
- When Executive Magistrate acting under sec 107 to 110 – satisfied to take cognizance
- Shall make an order in writing
- Substance of information – to be stated
- Amount of bond – period of bond – number/ character/ class of sureties – to be stated

Sec 112 to 124

Procedures to be followed

- Sec 112 procedure – person appeared in court
- Sec 113 procedure – person not appeared in court
- Sec 114 procedure – copy of order shall be furnished with the summons/ warrant
- Sec 115 - power to dispense with personal appearance
- Sec 116 – inquiry as to truth of information
- Sec 117 – order to give security (final order)
- Sec 118 – discharge

Sec 112 to 124

Procedures to be followed

- Sec 119 – commencement of period of bond
- Sec 120 – Contents of bond
- Sec 121 – power to reject sureties
- Sec 122 – imprisonment in default of securities
- Sec 123 – power to release persons imprisoned for failing to give security
- Sec 124 – Security for unexpired period of bond

Sec 112

- Procedure – person appeared in court
 - Order shall be read over to him (As like as framing of charge)
 - If he so desires substance there of shall be explained to him

Sec 113

- Procedure – person not appeared in court
 - Shall issue summons
 - If such person is in custody, a warrant directing the officer to bring him to the court
 - (Prisoners transit warrant – Sec 267 Cr.P.C popularly known as PT Warrant)
 - If there is reason – warrant can be issued to arrest him

Sec 114

- Procedure – copy of order shall be furnished with the summons/ warrant

Sec 115

- Power to dispense with personal appearance
- On sufficient reason, the personal appearance of such person can be dispensed with/ permit the pleader to appear
- As like as petition U/S 317 Cr.P.C

Sec 116 - Trial

- Inquiry as to truth of information
- After order u/s 111 is explained u/s 112 or warrant issued u/s 113 – the Executive Magistrate shall proceed to inquire about the truth of information – upon which cognizance was taken/ order u/s 111 has been issued
- - without complying sections 111 to 113 no inquiry can be conducted by the Executive Magistrate

Sec 116 - Trial

- Procedure of summons trial has to be followed
- If immediate measures are necessary, (urgent in nature) interim direction to such person to execute bond with or without sureties
- For keeping peace/ maintaining good behaviour
- Till the conclusion of inquiry
- May detain him in custody until bond is executed/ default of execution, until the inquiry is concluded
- Condition should not be onerous (applicable to 108, 109, 110)

Sec 116 - Trial

- Habitual offender/ dangerous persons/ may be proved by evidence of general repute
- Two or more persons in trial – they may be dealt with in the same trial
- Shall be completed within a period of 6 months from the date of commencement
- If not completed shall automatically expire Sec.116 (6)
- Unless special reasons to record
- If person is in custody – shall terminate
- Permitting to continue after 6 months – sessions Judge may vacate

Sec 117 – order to give security (final order)

- If the information is proved – on trial
- Order directing such person to execute bond provided
 - Should not be different as specified in order u/s 111
 - Bond shall be fixed with due care/ not excessive
 - If minor, the bond shall be executed by the sureties alone

Sec 118 – discharge

- After inquiry u/s 116,
 - Information has not been proved

Sec: 119 – commencement of period

- If not in custody, shall record discharge
- If such person is in custody, shall release him

- If such person is undergoing sentence, the period for security shall commence on the expiration of the sentence
- If not in custody, the period shall commence from the date of order

Sec 120 – Contents of bond

- Shall bind – to keep the peace / to be of good behavior
- Good behavior
 - Attempt to commit/ commission of offence/ abetment of any offence is breach of bond

Sec 121 – power to reject sureties

- Executive Magistrate can refuse/ reject the sureties
- Previously accepted sureties (either by him or by his predecessor) may be rejected on the ground that sureties unfit for the purpose of bond
- To reject/ to refuse surety
 - He himself hold an inquiry into the fitness of surety/ direct the subordinate to hold the inquiry and to report
 - Before inquiry, reasonable notice to the surety and such person to be given
 - On satisfaction, and considering the evidence order has to be passed

Sec 121 – power to reject sureties

- To reject/ to refuse surety
 - After direction to execute bond – if no bond is executed – if no security is given- warrant has to be issued
 - If any order to give security is passed- if one party taken up the matter to the sessions court - it binds the other party also – sessions Judge may transfer to additional / assistance Sessions Judge

Sec 122 – imprisonment in default of securities

- Imprisonment – failure to give security – for keeping peace – is SIMPLE IMPRISONMENT
- Imprisonment – u/s 108– is SIMPLE IMPRISONMENT
- Imprisonment – u/s 108 and 110– is RIGOROUS / SIMPLE IMPRISONMENT

Sec 123 – power to release persons imprisoned for failing to give security

- If Executive Magistrate pass the order – the District Magistrate (the District Collector) in any other case by the Chief Judicial Magistrate can discharge – custody of person failed to give security
- High Court/ Sessions Court – may reduce the bond amount/ change the sureties
- The state may discharge on condition
- If discharged on condition – non compliance – order can be cancelled

Sec 123 – power to release persons imprisoned for failing to give security

- Remanded to custody – non furnishing security
- On furnishing security shall be released
- High court/ Sessions court may cancel
- Surety can apply to cancel his surety
- (As like as in surety for bail bond)

Sec 124 – Security for unexpired period of bond

- Person appeared as per Sec 121(3)
- As per Sec 123 (10) – appears or brought before the court – shall cancel the bond – to execute bond for unexpired period

Chapter XXXIII

Bail and Bail Bonds

Sec 436 to 450

- 436 – bail in aailable offence
- 436 A – maximum period for which an under trial prisoner can be detained
- 437 – bail in a nonailable offence
- 437 A – bail to require accused to appear next appellate court
- 438 – anticipatory bail
- 439 – special power of High Court/ Sessions Court - bail

Chapter XXXIII

Bail and Bail Bonds

Sec 436 to 450

- 440 – Amount of bond and reduction
- 441 – bond of accused and sureties
- 441 A – declaration of sureties
- 442 – discharge from custody
- 443 – power to order sufficient bail
- 444 – discharge of sureties
- 445 – deposit instead of recognizance

Chapter XXXIII

Bail and Bail Bonds

Sec 436 to 450

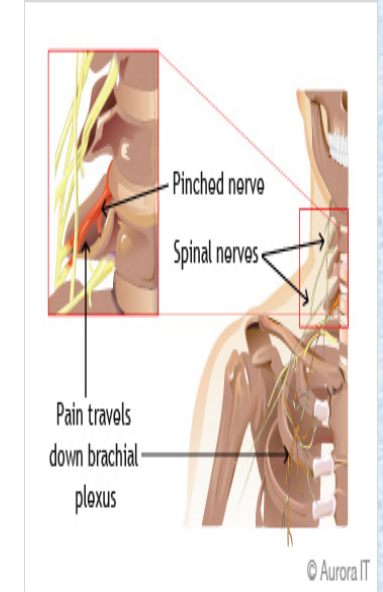
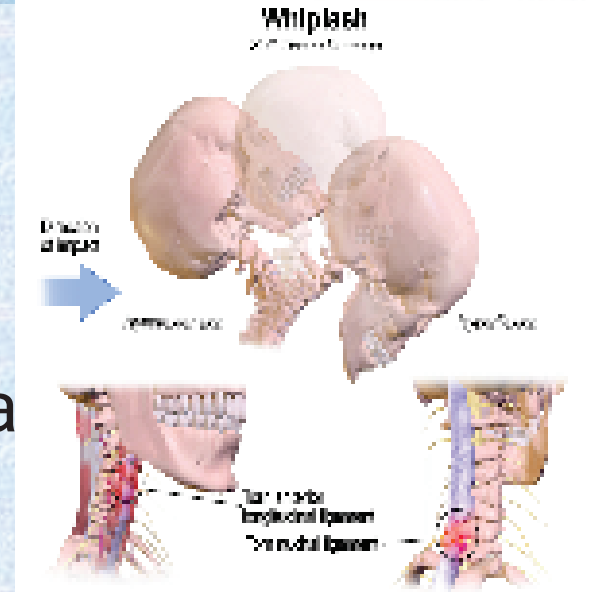
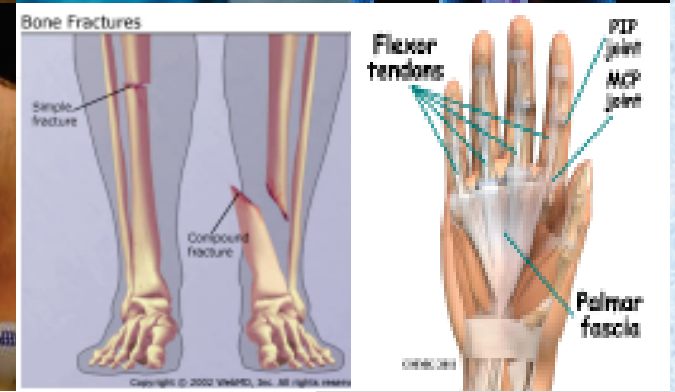
- 446 – procedure when bond has been forfeited
- 446 A – Cancellation of bond and bail bond
- 447 – Procedure – insolvency / death of surety
- 448 – bond from minor
- 449 – Appeal from orders u/s 446
- 450 – power to direct levy of amount due on certain recognizance

INJURIES

Injury is damage to the body.

- **By cause**

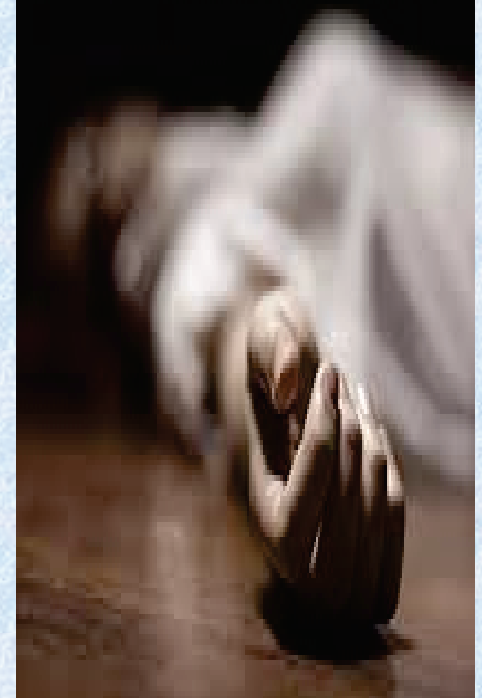
- Cut Injuries
- Abrasion
- Crush Injuries
- Lacerations
- Burns
- Spinal Cord Injury
- Pinched Nerve
- Tendons Ligaments Fascia Injury
- Herniated Disc
- Fracture



RIGOR MORTIS

- Rigor mortis the third stage of death, is one of the recognizable signs of death, caused by chemical changes in the muscles post mortem, which cause the limbs of the corpse to stiffen.
- At the time of death, a condition called "primary flaccidity" occurs. Following this, the muscles stiffen in rigor mortis. All muscles in the body are affected. Starting between two and six hours following death, rigor mortis begins with the eyelids, neck, and jaw

Rigor mortis is the medical term that is used to describe the stiffening of body muscles after death.



NEUROGENIC SHOCK

- Neurogenic shock is a distributive type of shock resulting in low blood pressure, occasionally with a slowed heart rate, that is attributed to the disruption of the autonomic pathways within the spinal cord. It can occur after damage to the central nervous system such as spinal



DEATH BY POISON

- Poisons are substances that cause disturbances in organisms, usually by chemical reaction or other activity on the molecular scale, when an organism absorbs a sufficient quantity.
- Suicide can be committed by using fast-acting poisons, which are known for their high levels of toxicity to humans



DEATH BY BURN INJURIES

- Burn injury death is often caused by burn complications, such as shock, organ failure, respiratory problems, or infection. In order to prevent burn injury death, severe burn patients should receive emergency medical attention to ensure a stable condition before burn wound treatment begins.



DEATH BY OTHER INJURIES

- Road traffic injuries
- Child injuries and violence
- Drowning accidents
- Soft Tissue injuries
- Work place injuries

FORENSIC SCIENCE

- Forensic science is the application of science to criminal and civil laws.
- Forensic scientists collect, preserve, and analyze scientific evidence during the course of an investigation.
- While some forensic scientists travel to the scene to collect the evidence themselves, others occupy a laboratory role, performing analysis on objects brought to them by other individuals.

