CHAPTER - XI

CONCLUSIONS AND RECOMMENDATIONS

Introduction:

From the past three decades wild criticism has been leveled against ineffective and inadequate legislation to tackle crime situation. The shocking prevalence of unjust acquittals has eroded the confidence of common man in the system in administration of criminal of justice. The crime scenario in our nation is distressingly disturbing and has shattered the genuine hopes of lower social class and intellectual society. Our decline began when our Government, decided that punishment for crime is not an essential duty of the State therefore we have built up a paradise for criminals\(^{462}\). The wise say that, "crime never pays", is a false notion. Criminalisation has affected every sphere of social, economic and political activity; therefore, there is accelerated growth of crime. Crime is flourishing, rampant and undetected; resulting in criminal going without punishment. The logic of salutary canon "let hundred guilty go unpunished rather than one innocent is punished" allowing the obvious crimes and criminals going scot-free. Deep routed criminalisation showing plainly to the eye or mind is a situation giving criminals and their abettors a hold, a means of control over the Government administration, directly or indirectly. Moreover, shark or big fish in criminal organization are rarely hauled up and brought to book. If booked, they are hardly punished. The present infrastructure of the criminal justice system is hardly capable of controlling the crime and therefore poorly rated in public opinion. Legislation is inadequate to tackle the situation. Therefore high degree of importance and gravity of the criminal proceeding against a person which may end in one's answering of one's own life has naturally led to high importance of this branch of law\(^{463}\). So also our High Courts and Supreme Court do not come down heavily on the point of delays and suggest only small changes. Therefore, too


\(^{463}\) P. S. Atchuthin Pillai; - Criminal Law; (Published by N. M. Tripathi Pvt. Ltd., Mumbai, Publication 7\(^{th}\) Edition; 1990) P. 4.
frequent acquittals of the guilty may lead to the ferocious penal law, eventually eroding the Judicial protection of the guiltless as held in _Shivaji Sahebrao Robade V/s State of Maharashtra_ and further added that the dangers of exaggerated devotion to the rule of benefit of doubt at the expenses of social defence demands a special emphasis in the contemporary context of escalating crime and escape. The Judicial instrument has a public accountability. The cherished principles of golden thread of proof beyond reasonable doubt which runs through the web of our criminal law should not be stretched morbidity to embrace every hunch, hesitancy and degree of doubt. The excessive solicitude reflected in the attitude that a thousand guilty may go unpunished but one innocent victimized shall not suffer is a false dilemma. Otherwise the practical system of justice will break down and lose credibility with the community. The best principle will be let each and every guilty person be punished but not a single innocent be condemned.

Conclusions

1) In _Sum up_ in chapter No.1 it can be concluded that in this chapter as per the Code of Criminal Procedure Code 1973 in prosecution branch Public Prosecutor is appointed by the State Government or Central Government to conduct the prosecution on behalf of the State or Central Government. In olden days this system started in Great Britain. Prior to 1882 this was not the duty of the State. In India the position of Public Prosecutor is pivotal. This research work is concerned with the evaluation work so also of power and functions of the public prosecutor in India. The survey conducted in this respect of Amravati district is mentioned in this research work. Personally researcher was Assistant Public Prosecutor then promoted as Additional Public Prosecutor and there after Assistant Director for Prosecution. Prosecutor must conduct a trial fairly and not to run after conviction and help the Court for discovering the truth but Public Prosecutor is not a part of judiciary and of police department.

However, in scientific age crime is growing day to day. Standard of evidence needed is without any doubt or if two things possible, accused will be acquitted. Therefore time has come to assess the work of prosecutor. This work is divided in eleven chapters. Which mention how this post came in existence. In historical survey, Indian Legal system and administration of criminal justice, powers and responsibilities of prosecutor, Matter of appointment and removal, and problem relating to prosecution, methodology of prosecution work, professional standard of the prosecutor, organizational structure of the prosecutor and hierarchy of the office, socio legal survey of the prosecutor of Amravati district thereafter evaluation of the work of prosecutor and ends with conclusion and recommendation.

2) In conclusion chapter No. 2 how in India since Hindu Period, the legal system of administration of criminal justice system were functioning and thereafter in Islamic period, Mughal period and Maratha period.

Thereafter Britishers came to India. They also started to rule the nation and their system is in existence. However their system of justice prevail uptill now is known as a modern period. Since Warren Hasting and Cornwallis the branch of delivering justice was developed through law. Benthamite reform were carried out. For fair justice, First Criminal Procedure Code came into existence in 1861. It mentioned procedural aspects in trial and investigation were dealt in the Code, prescribed the procedure modality of operation of substantive law, Thereafter Criminal Procedure Code was changed in 1872, 1882 and 1898, and lastly in 1973. In the Code of 1973 provide machinery for detection of crime and procedure is also laid down in it, speedy remedy for trial and police investigation. However the functionaries are working under the Provisions Criminal Procedure Code and classes of Criminal Courts and which cases are tried in particular Courts has been mentioned and their jurisdiction. The prosecutor has an important link to conduct the trial on behalf of the State. Therefore work of the Prosecutor among functionaries are of immense value, has been shown in it.

3) In this chapter No. 3 light has been thrown how the penal administration and prosecution system was working in our country. On whom burden of
proof lied in evidence in ancient time in Hindu period and in Hindu, Muslim, Mughal, Maratha period. How the evidence led by prosecutor side and defence side. Change of Criminal Procedure Code from 1961 to 1973 has also been mentioned. Prosecution can only be conducted by Prosecutor on behalf of the State. Private lawyer not allowed to conduct the Prosecution because State require justice.

After independent as per the 41st report of Law Commission, the designation of Police Prosecutor has changed as Assistance Public Prosecutor in the Code of 1973 and Prosecutors not under the control of Police Department. The State Government can appoint Public or Assistant Public Prosecutor under the control of Director of Prosecution who is responsible to the government directly.

4) In conclusion of chapter No.4 it can be observed that because of the responsibilities on the prosecutor in conducting the criminal cases some powers have been given to the prosecutor under Criminal Procedure Code. There by prosecutor can run his work smoothly and efficiently. Even judge can not work as a Prosecutor so that prejudice should not cause to the accused. Prosecutor has to put up the case before the Court as it has been submitted by police. Prosecutor can take advantages of the Code of Criminal Procedure Code, as this Code is a master of Prosecutor so also Prosecutor must have command over the Evidence Act. It has also been shown that even if any lacuna is left by investigation agency some Provision has made or formal procedure, Prosecutor has to apply for admission of formal document. How the prosecutor has to behave with the witnesses has been shown. In no case Prosecutor can represent to accused privately. He should maintain good relations with Magistrate or Judge also. He should not quarrel on sily point with Magistrate or Judge. Moreover this chapter indicate the criteria of withdrawal of Prosecution in old Criminal Prosecutor Code 1898 and new Criminal Prosecutor Code 1973. Different case laws has also been cited moreover Prosecutor must have deep study to examine various types of witnesses has been shown. Police witness shown in charge-sheet can be added as accused to whom police has not been not shown as accused if any
evidence appear against that witness or involve in the crime. Rights of the prosecutor indicates that he is entitled to appear before the Court without Vakalatnama so also when witness came to adduce evidence if he is in need of guidance, prosecutor can instruct him. Different case laws has been cited in this regard. However from the nature of the work it can be said that Prosecutors rights and responsibilities has been decided. He has to put evidence before court fairly and not to run after conviction. Light has also been thrown on the work of special Public Prosecutor. Moreover there is a need to separate this branch of Assistant Public Prosecutor from police department as per the 15th report of the Law Commission, for improvement in the prosecutor's work.

5) In chapter No. 5 while sum up it can be ascertain the procedure to appoint the Prosecutor. The State Government and Central Government under old and new provisions of Criminal Procedure Code appoint Prosecutor. No doubt appointment procedure, condition and eligibility for appointment removal has also shown in Maharashtra Law Officers (appointment and condition of service and remuneration) rules 1939 it has been repealed because new rules 1984 have been passed as much more amendment has been made in that rules of 1939. When and how the Special Public Prosecutor has to be appointed has also been shown. The District Magistrate can appoint Public Prosecutor as well as Additional Public Prosecutor in consultation with District Judge in the District and in High Court in consultation with High Court Judge by the State Government under section 24 Criminal Procedure Code 1973. However change has been made by the Maharashtra Government in 1981 to keep the control over the Public Prosecutor by ruling Government. Some restrictions have been imposed on them to work without prejudice. However while working Prosecutor has to face so many difficulties in conducting the Criminal Trial before the court of law has also been mentioned.

6) In regard to chapter No.6 sum up from the above chapter we can conclude that there are four kinds of criminal trials for the different categories of offences depending on severity of the crime and punishment awarded to
the culprit have been discussed. Moreover it can be said that while working, prosecutor has to maintain what must be done or not done while recording the evidence. Which should be the language of the Court in recording the evidence and which provision of the Criminal Procedure Code can be exhausted by the prosecutor so that guilty should not escape punishment from Court of law has been shown. If previous conviction proved heavy punishment must be awarded by the Court to the accused after argument in respect of evidence on record.

Before recording evidence, which formality has to be completed by the prosecutor e.g. to see whether accused is given copies of charge sheet and after charge is framed and trial has been started Prosecutor can prefer an application before the Court under section 294 of the Code to admit the formal document by the counsel of the defence. There are four kinds of trial viz Session trial, warrant trial, summons trial and summary trial and to see whether accused tried under proper kind of trial. Whether charge has been framed correctly or not is to be seen by the Prosecutor. Prosecutor can examine all the witness of his choice. Prosecutor can request the Court to declare its witness hostile if the witness is not supporting as per his statement to police and cross examine him to lower down his creditability. Prosecutor can submit any material document before the Court. Prosecutor can take examination in chief, and after cross by defence can request the Court to re-examine the said witness if any ambiguity appear in cross-examination of the witness. Prosecutor has a right to cross-examine defence witness. Show the reported cases of Supreme Court and High Court in favour of Prosecution. Moreover there is a general trend of hostility among the witnesses. The case of perjury can be launched against that witness and fine and punish by the same Court in Session triable cases. This can indicate that the role of prosecutor is vital in conducting cases.

7) In summing up of chapter No.7 it can be observed that what sort of professional standard has to be maintained by the Prosecutor while appearing in the Court when conducting the cases. In general professional standard has to be maintained by the Prosecutor while working before the Court so as to run the Court work smoothly. Prosecutor has to work before the Court in
dignified manner. Moreover 21 necessary characteristics are mentioned in this chapter e.g. to study the case carefully, take the evidence of the witness which is necessary, not to waste the time of Court by repetition of the evidence. Do not bluff the Court, stick up the original versions, avoid evidenced of objections, speak carefully and clearly etc. So also Prosecutor owe some duty to the Court, Prosecutor should not be quarrel on sily point with the Court and with the defence counsel.

The maintain decorum before the Court Prosecutor some duties to the Court, towards the witnesses, duty towards opponent, duty towards colleague and in the last Prosecutor has to bring truth before the Court.

Light has been thrown on the legal law education and how it is defective. Moreover, for improvement in investigation there is a special post of law officer in police department is necessary. So also as judges have a training centre, Prosecutors should have a training centre to improve the work while conducting the cases and handle the cases more efficiently by observing all the norms prescribed by the Bar Council of India and Maharashtra.

8) For chapter No. 8 in the sum up Public Prosecutor or Additional Public Prosecutor has to work in High Court which must have 7 years practice in such Court or the same criteria is applicable to Session Court in district places. The public prosecutor or Assistance Prosecutor is a part of functionaries in the Court. Police cannot work in the Court as a Prosecutor in the Sessions Court or if taken part in investigation then cannot work in the Court of Magistrate. Chart of hierarchy of the Prosecutor's office has mentioned. The whole chapter indicate which Prosecutor has to work before the particular Court.

In organizational structure stress has been given on Criminal Procedure Code to guide the Prosecutor and functionaries, they are in all four i.e Police, Prosecutor, defence counsel and Court. Prosecutor is helping the Court to come to justice as per the evidence on record whether accused should be acquitted or convicted.

9) In short chapter No.9 can concluded as the role of the prosecutor is pivotal. Government is maintaining rule of law for peace loving citizens
through prosecutor in a welfare state. He is not only the defender of law before the Court in the interest of justice but in the public interest. He has to face difficulties while trying the cases such as defective investigation in intelligent offences, cyber crimes. Moreover no protection to witnesses even though cases are prolonging year by year.

So as to know the opinion of concerning respondents form of questionnaire has been given to them. The senior and seasoned respondents of 6 categories of respondents which includes prosecutors, advocates, law lecturers, judges, litigants and police officers of all ranks. In regard to question No. 2, majority of the respondents were in favour of provisions made in the Code of Criminal Procedure in respect of powers and functions of the prosecutor. For question No. 3 it indicates that the position of the prosecutor is a key position in conduction of the trial. For question No. 4, it has been seen that procedure generally adopted by the prosecutor in filing the cases before the Court is satisfactory. In question No. 5 respondents support to the question and stated the Prosecutor visualize some kind of external pressure which impede his work. In respect of question No. 6 if the above question No. 5 is yes or partly therefore respondent state that there is a political and local pressure on the prosecutor while conducting the cases. In question No. 7 the researcher sum up that prosecutor has to face official and technical problems. Therefore their work hamper in respect of question No. 8 through light about respondents put their suggestions for effective role of the prosecutor. The essence is that there should be a co-ordination between the prosecutor and investigating police for smooth running of the cases in the Court of law and the second is, this branch should be separated from the police for fair and impartial trial. In respect of question No. 9 the focus is on mixed reaction of respondents however respondents agree and partly agreed were in majority and opined that prosecutor should be given scope of discretion in filing the cases before the Court. Question No. 10 followed that whether there should be control or limitation on the discretion of the prosecutor for filing the cases before the Court of law. It also received mixed reaction. Therefore we can say that prosecutors should use their discretion just, fair and reasonable. To question No. 11 in its reply majority of the respondents were in favour that this
branch should be separated from the police for smooth sailing of the cases and the work. In question No. 12 greater numbers of the respondents were in favour of appointment of the prosecutor be made by District Magistrate in consultation with District Judge. In respect of question No. 13 majority of the respondents lamented that they were not in favour of the amendment made to the section 24 by the Maharashtra Government. Moreover table No. 14 of question No. 14 displayed that victim should be under obligation to support or supply necessary information to the prosecutor in trial process. For question No. 15 respondents opined that some kind of minimum time limit is imposed on the conclusion of the trial even in serious offences by the Court. That will minimise the acquittals. In question No. 16 it through light that if respondents are litigants what experience they have about the prosecutor in handling the cases. Majority of the respondents said that they have good experience. Lastly for question No. 17 it has been asked that if the respondents are judicial member how they would find a general performance for the prosecutor. The majority of the respondents answer in “average”. We feel the reason is that probably the prosecutor has generally to look after three to four Courts in a day. Therefore individual attentions on the cases are difficult.

In settling to an end it can be said that the role of the prosecutor is of immense value next to Court. However, for the better and effective performance there shall be one prosecutor in every Court. If this policy adopted there will be smooth sailing of the work. Therefore in respect of Prosecutor mean act fairly.

10) In respect of chapter No.10 to bring about as a result while evaluating the work of the Prosecutors they must follow the rules and norms of Criminal Justice System. The burden is on the party who alleges i.e. on Prosecution and i.e. accuse benefit of doubt is in favour of accused. Therefore Prosecutor must have a detail knowledge of law and have a tact in tackling the witness that whether he is more talkative or whether rely on his statement to the police. In all trial must be fair and impartial. So also rights has be given to the accused by the Criminal Procedure Code or by the Constitution of India should not be infringed. Rights of accused while facing trial have been
mentioned in this chapter and what are the reasons for failure of work of the Prosecutor. No doubt primary presumption is in favour of accused. Therefore, Prosecutor must know the method of appreciation of evidence adopted by the Court and what type of evidence Court prefer necessary for conviction must be search out by the Prosecutor. He should avoid unfair method to convict the accused. If the victim or reporter is represented by private counsel attention must be given to him. Regularity and punctuality in attending the Court must be maintained. Moreover researcher was an Assistant Public Prosecutor, promoted as Additional Public Prosecutor therefore conducted cases in the Court of Magistrates and Sessions and Additional Sessions Court. Therefore he has mentioned the difficulties while conducting the case. However it throws light on the work of the Prosecutor as strenuous even though pivotal.

Recommendations

The researcher has made the following recommendations to make the Criminal Procedure Code 1973 more effective and useful. So also Indian Evidence Act 1872 and Indian Penal Code 1862 need amendment to suit the Present circumstances and time surroundings.

1) Lawyers to be accountable to "justice only":

Judicial activism is an expression of the "hidden spirit" of the constitution for the welfare of our people. Lawyers should not ignore their social responsibility. They should appear before the Court with full preparation of their cases and plead truth before the Court. It is fault of our lawyers who want frequent adjournments to weaken prosecution case. So as to win or secure acquittals, therefore it is necessary for the Court to limit the number of adjournments. A fault of our Courts where procedure is so laxe that a case that should be decided in six months takes 6 to 10 years. Prosecutor must object strongly for adjournments so as to reduce the delay and adjournments without any substantial reasons. If objection sustained will definitely benefited to the Prosecutor. Moreover, the detection rate of the police drops each year.
The quality of justice determines the quality of society and governance. Equal and Fair justice is the hallmark of the civilized society. Therefore judgments should not be allowed to be kept reserved, by Judges at the various levels for more than two weeks after the completion of arguments. This will lessen delays and ensure timely justice and lessen acquittals. Therefore in section 353 of the Code of Criminal Procedure require amendment i.e. in clause one "or at some subsequent time" thereafter "not more than seven days" is essentially required else it will be hanging sword on the accused. If accused in jail he has been unnecessary detained.

2) Hostile Witnesses: (Perjuror must be dealt with):

The Prosecutor has a special responsibility to go into the truth of the reason behind the prosecution witness who turns hostile. Therefore under section 154 of Evidence Act and permission for cross examination to prevent the miscarriage of justice. To show the Court that he is branded as a liar. However if Public Prosecutor is not alert then other prosecution witnesses may turn hostile and will amount to hindrance for justice. So also for acquittals in criminal cases share of hostile witness showing an upward trend. A feeble minded witness is won over by accused either by the offer of money or by acts of intimidation on their own volition a relatives of an accused may resile out of natural love and affection and employee out of the sense of gratitude as held in State V/s Sanjay Gandhi. It has been reported in Swarnsing V/S State of Punjab, analysed by Justice Dr. Wadhawa that perjury has also become a way of life among the Prosecution witness in the Law Courts. A trial Judge though knows that a witness is telling white lie and going back from his previous statement yet he does not wish to punish him so as to file a complaint case against him as per section 340 (3) (b) of the Code under which Presiding Officer of the Court is required to file a complaint himself which deters him from filing complaint therefore law need amendment to clause (b) of sub section (3) to section 340 of the Code of Criminal Procedure.

465 1978 Criminal Law Journal, P. 952
466 2000 Criminal Law Journal, P. 2780
In this respect as the High Court making a complaint can direct such officer of
the Court as the Court may appoint to file complaint to get rid of the evil of
perjury under section 340 (3) (a), so also the original (lower) Court should
resort to the use of the provision of law as contained in chapter XXVI of the
Code i.e. provisions as to the offences affecting the administration of justice. If
this amendment has taken place will be beneficial to prosecutor as
prosecution witness will be reluctant to turn hostile or think twice before
turning hostile to the Prosecution.

3) Protection to the witnesses from bullies, Copy of the Prosecution
witness's statement to the police under section 161 of the Code should
be given to the prosecution witness immediately :-

The statement of witness is reduced into writing by police even if not
signed by the author of it. However as per my own experience it should be
even though not signed by him, copy of his statement as a witness recorded
by police should be given to him. Therefore the Code needs amendment to
make it more effective and full Proof. However, there is no such provision.
Generally, the case will come up for evidence after a long lapse of time and
the memory of witness some time may play false alas! It is difficult for the
witness to recollect his statement as it was? A witness is not a tape recorder
as decided in Kisan Narayan Vs State of Maharashtra\textsuperscript{467}. As the copy of first
information report was given to the informer so that it should not be tampered.
So also if copy of a statement of witness given to him, it will not be tampered
by police and author will read it while going to the Court at the time of
adducing evidence to refresh his memory and save time of the Court as well
as Prosecutor. In addition to express suitable answer which will be put in
cross-examination by defence counsel. It is a burning need now a day
because of hurried or clock like life. Moreover, Prosecutor is also prohibited
from reading over the statement to the witness of whom it was. It is in the
larger interest of the society that his statement should be allowed to read by
him along with date and certify that his statement is correctly recorded. This
will check the prosecution witness from hostility. Else action of perjury will be

\textsuperscript{467} A. I. R. 1973 Supreme Court, P. 2751.
initiated against him in the Court of law. Copy of statement recorded by the police should be given to witness for the just decision of the case, so that hurdle of the Prosecutor can be avoided. He will deposite in the Court, what he has stated to the police. He cannot be taken surprisingly in the interest of natural justice.

4) Inadequacy of law in participation of victims in the Court of criminal trial against accused:

Criminal Procedure Code of our country does not recognize the right of the victim of the crime to participate in the criminal proceeding against offender i.e. to take part in prosecution cases instituted on police report. The roll of victim is only as a witness in State case. In fact the victim sets the criminal law in motion and then goes into oblivion. Today we are ignoring the fact that many hardened criminal or habitual offenders go scot-free. Broadly the reason is prosecutor may not be so senior and experienced as the defence lawyer. No body is there to help the prosecutor when cross examining the defence witness/s. Only little scope under section 301 (2) of the Code can came to rescue of the victim so as only for allowing the victim to file a written note of argument through his counsel, that too with the permission of the Court. Our antiquated laws are the prime reason for failure of a justice system in not providing the justice to the victim. Legal process should not ignore complainant’s right. Victim has to suffer in silence even during the investigation\(^{65}\). Our criminal justice system is distrustful about the investigating officer i.e. police. Right of the accused is paramount and never minds the right of the victim. He can only lodge First Information Report. He is not informed about the progress of the case. Real eye witness has no chance to open their mouth. So also lethargic and sloppy investigation cannot produce convictions, live wide loop holes and defence jumps upon it. In the result high percentage of acquittals from the Court generate a contempt towards the State and its criminal justice system among the people. This is compelling a victim to look for extra legal avenues to settle his score with the offender. Therefore, there is a need for reviewing the existing legal provisions

relating to the victim vis-à-vis the offender in criminal trial. Victim must have right to supply information to prosecution. The victim or even informer has no locus standi in criminal proceeding against accused. In fact rule of prudence and natural justice requires that an aggrieved party must be afforded an opportunity to have its say personally or through the counsel of his choice as the accused under section 303 of the Code or Article 22 (1) of the Constitution of India has a statutory right to be defended by the pleader of his choice on the other hand victim's case is at the mercy of the State. There is no statute available with him to move the Superior Court against the order of acquittals or inadequate sentence imposed upon him. Moreover, as reported in State of Gujarat and another V/s Hon'ble High Court of Gujarat\textsuperscript{469}. It has been observed that victim of the crime cannot be a forgotten man. It is he, who has suffered the most. Not allowing him to take part in participation of criminal trial is a culpable crime in action. Justice is not the prerogative of accused alone. Therefore, in my opinion victim should have a right to take part in criminal justice process. Burden of the Prosecutor will be lesser to bring out the truth before the Court in the interest of justice and real culprit will be Punished.

So also the victims of the crime in criminal justice process should have right to watch the entire criminal trial, in the interest of fairness to the victim. The Internationally accepted basic elements of fairness for victim under the declaration of basic principals are:

1) The right to be treated with respect and recognition.
2) The right to be referred to adequate support service.
3) The right to receive the information about the progress of the case.
4) Right to present and involve in decision-making process.
5) Right to counsel.
6) Right to protection of physical safety and privacy.
7) Right to compensation from offenders and from the State\textsuperscript{470}.

\textsuperscript{469} 1998 Criminal Law Journal, P. 4561.
\textsuperscript{470} Dr. Durga Pada Das – Article “some suggestions for revamping the Criminal Justice System” (in Journal Section 2002 Criminal Law Journal published by A.I.R. Nagpur) P.65.
Taking above principles in consideration, section 301 (2) of the Code requires amendment i.e. section 301 (3) should be added so that in most complicated serious cases if a private person instruct an advocate to conduct prosecution, he shall be given additional power to conduct the case with the permission of the Court to conduct the prosecution and act under the direction of the prosecutor for making a prosecution case successful so that facts of the case can be brought on record.

5) (a) There should be a time limit for the conclusion of the trial:

For effecting speedy criminal justice in respect of trial in summary and warrant procedure cases, a time limit must be fixed for the conclusion of the trial with the condition that all sort of dilatory and notorious tactics by either side for defeating the purpose of fair trial by say about adjournment application or other petitions for hampering the progress of the trial shall be severely dealt with by inflicting heavy cost and in such unavailable circumstances trial period shall be extended, when inevitable, for a short span of time only. It will save the Prosecution and defence from misuse of adjournments and Prolong trial.

(b) There should be a special Legislation for Speedy Trial:

In our Criminal Procedure Code time limit has been prescribed for investigation by the police in cases where punishment has been prescribed upto 3 years under chapter XXXVI of the Code titled as "Limitation for taking cognizance in certain offences". It is not sufficient. However, in serious offences also limitation must have been prescribed for speedy investigation to help both i.e. to the Prosecution and the defence. For this purpose the Investigation wing should be separated from the law and order wing.

The core issue to ensure quick delivery of justice (For speedy trial), the motto should be to minimize harassment to the victim, to the Prosecution witnesses and to the accused. This should be a quintessence of justice. In fact disposal of cases is no remedy, there should be a remedy for disposal. Therefore, specific legislation for speedy disposal of cases or amendment to the Code of Criminal Procedure is necessary which should be urgently
introduced. It is an essential need of the day that there should be limitation of disposing off the criminal cases within time with a proviso i.e. dilatory tactics for causing delay for the trial by either side will be condemned. Delay and heavy workloads in the Courts have resulted in the informal system of "pretrial bargaining and settlement", in some western countries, specially in United States of America. Most criminal justice reformers believe, is more suitable, flexible and better-fitted system is the need of the society.

In disposal of cases, prosecution of serious offences, recidivism and career criminals should be given top priority as they pose serious threat to the public order and undermine respect for our justice system. There should be a fixation of time limit for conclusion of the trial, for securing speedy criminal justice. There should be a provision in Criminal Procedure Code and has to be amended by fixing time limit for conclusion of the trial with the condition that all the dilatory tactics for frustrating the procedure in criminal trial shall be treated severely which will surely be better for Prosecutor and victim so also accused.

The Apex Court in their decision which Common cause a registered society through its Director V/s Union of India and others have given direction to all lower subordinate Courts to dispose of certain classified cases, which are pending trial up to 2 years by way of discharge or acquittal of the accused and prepare a list of classified cases which has exempted from this proportion. Further clear classification was given to this decision by Supreme Court, stating that when the trial is supposed to begin, the delay in trial should not have been caused by accused wholly or partly attributable to the dilatory tactics, and given further classified offences which are exempt from the proposition i.e. 498A, Indian Penal Code, section 138 Negotiable Instrument Act including Criminal misappropriation of property under section 408, 409, 406; offences or other Criminal breach of trust or under any other law, offences under section 304 A Indian Penal Code, as any other offence pertaining to rash and negligent acts which are made punishable in any other

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472 1997 Criminal Law Journal, P. 195 (Supreme Court).
law. Offences affecting public health, convenience, decency and morals. Thereafter, in Raj Dee Sharma \textit{v/s} State of Bihar\textsuperscript{473} Supreme Court has issued further guidelines.

1 Trial of the offence where punishment is not more than 7 years and where the accused is in jail or not, the Court shall close the prosecution evidence on completion of the period of 2 years, from the date of recording the plea of the accused.

2 If accused is in jail for not less than 1/2 of the maximum period of punishment prescribed, the trial Court shall release the accused on bail.

3 Where period is punishable exceeding 7 years whether accused is in jail or not, the Court shall close the prosecution evidence on completion of 3 years from the date of charge.

4 If the accused is protracting trial, Court can close the case.

5 Where trial has been stayed by operation of law and stay was in force shall be excluded from the aforesaid period, for closing prosecution case.

These direction are without prejudice of common cause judgment. So also Raj Dee Sharma \textit{v/s} State of Bihar\textsuperscript{474} in above named Full Bench judgment, permitted the trial Court to invoke the powers of the Court under section 311 Criminal Procedure Code even after closing the prosecution side in appropriate cases.

\textit{Delay defeats litigants.} People in real distress avoid coming to Court because of delay. In criminal trial accused person remain absconding but as soon as they are apprehended the prosecution is directed to produce the witnesses quickly. If prosecution fail to produce prosecution witness the case is closed without evidence by the Court as the case was old and prosecution,

\textsuperscript{473} 1998 Criminal Law Journal, P. 4596 (Supreme Court)

\textsuperscript{474} 1999 Criminal Law Journal, P. 4541
failing in procuring attendance Prosecution witness as Magistrate begins hearing in other cases. This should not occur.

The aggrieved being aggrieved remains aggrieved. Magistrate can impose heavy cost under section 309 Explanation 2 of the Code 1973 i.e. payment of costs by the Prosecution or accused to discourage for grant of adjournment. Criminal inclined are well aware of the loop-holes of the law. Accused should not be given a treatment of favorite child. There should be even handed justice to accused and victim. Moreover, in such cases victim of the crime are not given adequate compensation. The present state of the laws makes it lucrative for crime to flourish, even in white-collar crime. Prosecutors are aware of the crying need of expeditious disposal of criminal cases. They should cooperate with bench. Cooperation between Bench and Bar is necessary to achieve the purpose in the larger interest of the society. If the main prosecution witnesses are not available even after several attempts, case should not be fixed for calling other witnesses. Special training to the learned Magistrate and learned Prosecutors is to be imparted for speedy criminal justice.

6) Amendment to section 320 of the Criminal Procedure Code 1973:

Suitable amendment should be made in non compoundable offences as compoundable for securing speedy criminal justice. In Indian Penal Code section. 379, 381, 411 bar to compound theft cases where the property is more than Rs.250 should be removed and it should be raised up to 1 thousand. Public awareness, Legal aid clinic for public awareness in respect of speedy trial process are necessary.

Large number of Criminal Courts should be set up where large number of cases are instituted and are in pending.

In addition to section 224 of the Code of Criminal Procedure i.e. withdrawal of remaining charges on conviction of one of several charges
section 260 i.e. power to try summarily should be used in appropriate cases. Also use following provisions in appropriate cases of the Court i.e. -

Under section 294 No formal proof of certain documents.

Under section 295 Affidavit in proof of conduct of public servants.

Under section 296 Evidence of formal character on affidavit.

Under section 314 of the Code says that address to Court oral concise arguments and before he concludes oral argument can submit memorandum to the Court under distinct heading; it will be a part of record and should be used at proper places to expedite the trial.

Under section 355 of the Code: Metropolitan Magistrate’s judgments are recording particulars thereby case can be expedited.

7) Procedure where investigation cannot be completed in twenty-four hours. Amendment to section 167 (5) of the Criminal Procedure Code 1973 requires for smooth and early investigation:

If in any case triable by the Magistrate as a warrant case or tribal by a Sessions Judge, or in case triable by a Special Judges (Sessions Judges) and the investigation is not completed within three years from the date on which the accused was arrested the Magistrate or the Sessions Judge (in case triable by Sessions Court) or Special Judge where the case is triable by Special Judge as the case may be, make an order for stopping the further investigation unless the investigating officer satisfies the concerned Court with the reasons for difficulties in not completing the investigation only the above said concerned authorities from whom it is triable if satisfied then the Magistrate can for special reasons and in the interest of justice may allow the continuation of investigation such further period as deemed necessary to complete the investigation.

It will help the police to complete the investigation within a stipulated period and if within the prescribed period the investigation is not completed,
the concerned authority will regulate and control it keeping in view the facts and circumstances of the case ultimately gainful for Prosecution.

8) Plea of Bargain should be introduced in the Criminal Procedure Code of 1973:

It is prevailing in United State of America. It is a bargain of the accused with the prosecution in the matter of punishment on the condition that accused waive his right to be defended. In exchange of the plea of guilt, he would receive leniency in sentencing. This plea is the *sine qua non* where crime rate is showing an upward trend. The allegation of facts in support of information must be proved *prima facie* Only condition is 1) It must be voluntary, 2) The plea of guilty must be freely, unequivocally, intelligently and with understandably made in open Court by the accused 3) It has reliable and trustworthy evidence against the accused and not admitted by fear, misapprehensions, persuasion, promises, inadvertence, ignorance or fraud. It is the Court who has to determine it.

Accused in suitable cases may be permitted to withdraw the plea. Besides, it is discretionary in American Courts to permit or to deny the withdrawals. Good cause will prevail.

The logical basis behind United States of America's Plea of Bargain:

In fact prosecution offers an accused an opportunity for lighter sentence.

**Advantage:** (1) It minimizes the time and expenses of the trial. (2) It provides prosecution with conviction for his record. (3) It often aids him in keeping the Court calendar up to date. (4) Where the guilt of the accused is suspected in such case, plea of bargain may help the prosecutor and allows the prosecutor to do justice with the victim, the defendants and the State.

It is also beneficial to the accused where proof is overwhelming and chance to impeaching the prosecution witness are slim.
Important consideration for such plea vide Americas Bar Association's approved standard: -

1) The interest of public in effective administration of criminal justice would thereby be served. Willingness of the defendant to assume responsibility of his conduct. Correctional measures which are better way adopted to achieve rehabilitation when the case is not good for public trial. Defender has avoided delay in disposition of the case.

2) Court should not impose any sentence upon defendant in excess, which would be justified by any of the rehabilitative, protective, deterrent or other purposes of the criminal law.

For above consideration in United State of America the plea of bargaining benefits are extended to all types of cases where death penalty can be imposed.

In our country (India) it is not unconstitutional. However, unconstitutional is conviction on the plea of bargain for the purposes of enhancing sentence in appeal or revision.

Law Commission also has sent recommendation in its report on the subject to the Government, under the head reform in the Criminal Procedure Code of 1973. In its 142nd Report recommending "Concessional Treatment" for offenders without bargaining and recommended in separate chapter XXII A in the Code for concessional treatment of offenders willing to plead guilty.

The Criminal Procedure Code (Amendment) Bill 1994 this plea can be applicable to only the offences punishable up to 10 years and do not apply to habitual and economical offenders, and in cases of crime against women and children.

In sum up the concept of plea of Bargain should be incorporated in Criminal Procedure Code and the accused on the admission of the guilt should be shown leniency in the matter of punishment which in a way boosts
and encourage the honesty levels in the human conduct of the accused. The raison d'être is in changed scenario as the volume of litigation increases so also the pending cases volume is increasing day by day. In this system accused persons will be at liberty to talk with the learned Magistrate in the open Court to arrive at the reasonable penalty considering all the circumstances of the offender. It is an effective attempt for rendering speedy criminal justice. This plea can be introduced for speedy disposal of criminal cases. Section 251 of the Code should be amended (i.e. substance of accusation should be stated to accused) This will be an effective instrument of administration of criminal justice, if parliamentarian considers it, for speedy justice and will be helpful to the Prosecution to minimize the offences.

9) Investigation in serious offences:

Moreover, in serious offences like murder, dacoit, Robbery with weapon, Dowry death, Abetment to suicide, offence against the State, i.e. chapter VI of Indian Penal Code investigation should be made by inquisitorial system of criminal jurisprudence about trial as it prevails in France. This provision is to be made in chapter XII of the Criminal Procedure Code (Information to Police and their powers to investigate). It can save much trouble of Prosecution and there will be fair investigation. It will be hard nut for the accused to crack.

10) Protection against self-incrimination:

This concept as understood and practiced in our system is praised highly. However, it has made negative impact on society. In the present legal structure, it is ensured as an essential part of the process from the stage of investigation. Article 20(3) of our Constitution ensure complete protection of accused against self-incrimination. Hence statement made by the accused under section 25 of Evidence Act to the Superintendent of police or the above officer and simultaneously audio/video recorded should be made admissible
in evidence, even after consultation with his counsel. Moreover only discovery of the material object if made by the prosecution is permitted to produce the discovered object, in the trial, to be used against accused under section 27 of the Evidence Act to prove the *nexus* of the material object with the crime to a very limited extent independently without the aid of other matter. Confessional material in the voluntary statement is excluded. Broader view is required.

11) Right of silence of an accused in reply to the material question under section 313 Criminal Procedure Code in such event adverse inference can be drawn:

The criminal trial envisaged in the Code of Criminal Procedure 1973. It confers absolute right of silence on accused. After conclusion of evidence of Prosecution under section 313 of the Code i.e. statement of the accused recorded by the Court. It States the right of silence of accused even the Court has put all the incrimination to him in question form. Accused has no obligation to answer it or can remain silence, no adverse inference can be drawn against the accused under section 313, given laxities to remain silent extreme burdening to the prosecution to prove the guilt appear to have created uneven field. But it does not appear to be relevant.

However, in English system accused is obliged to answer all material questions during the course of investigation or trial. The said proceedings are tape recorded and video graphed and made admissible in evidence. If accused does not answer any material question, adverse inference is drawn and prevented from improving his story of defence. Unconvincing explanation given by accused to incriminating material questions, fairly establishes, these are adverse inferences.

The suggested changes will appear to be sweeping in present day in Indian context. Like the provision of 20(3) of the Indian constitution, Similar is in Spirit of Law section .6 of European convention of Human Rights to which England is a party. Right of silence is interpreted as essential feature of fair trial. The English system was also confronted with right of silence. However,
in the English legal system, legislative changes are brought about by Criminal Justice Public Order Act of 1994 which has diluted the rule of Right of Silence and permitted adverse inference to be invoked against the accused when he remains silent and does not successfully explain the incriminating questions in the course of trial. Therefore it is imperative to borrow the pragmatic changes made in English legal system to the extent necessary for us. It will be boon to the Prosecution and ultimately guilty, will not escape punishment and accused repaint it.

12) In respect of benefit of doubt:

The crimes scenario in our nation is subject to severe strain, unhappy, and ugly. It has utterly deranged the so called hopes of the commoner and enlightened persons in respect of the value based society. Therefore the wise saying that crime is a downfall of social status is concerned with realities. Showing intense ill will of criminalisation has affected social, economic, and political activities. Accelerated growth of crime is believed to be encouraged by political patronage. Crimes are flourishing unchecked and undetected resulting in criminal going unpunished. Benefit where there is a reason to doubt that becomes advantageous condition available to the accused in Criminal trial on the basis of which he gets acquittal. The benefit of doubt i.e. fundamental rule of appreciation of evidence and Salutary Principle of Criminal law which Court must uphold to ensure justice. It is not any statutory provision and as such nowhere defined\(^{475}\). It must go to the accused so also where two views are possible, view which is beneficial to the accused should be adopted, and allow the criminals to go scot free. They avoid the punishment by engaging senior and seasoned advocates but the poor are put to disadvantage. Therefore it has been said that “law grinds the poor, rich rides on it”. Shark and the big fish in the criminal organized racket are rarely hauled up and brought to book, even if done they are hardly punished. The underworld mafia criminal gangs-tars run a parallel administration. The unjust acquittals of the guilty has eroded the confidence of a common man.

13) Training to the Prosecutors:

The most important factor in preventing and deterring crime is the certainty of punishment. This certainty of punishment depends mainly upon effective prosecution. This can only be possible through well-qualified, trained, fair and dedicated prosecutor. Up till now in our country no sincere effort has been made to improve the quality of management of the prosecution in order to improve the certainty of conviction and punishment for most serious offences and hardened criminals. The integrity and impartiality is vital factor for administration of fair justice. Prosecutor is more than an advocate of litigant. This is onerous and responsible duty. Prosecutor is a responsible Law Officer of the Court and his foremost duty is to marshal the correct facts and law, before the Court as he holds Public Office of trust under the State observed in Vijay S. Mishra V/s State of Uttar Pradesh\(^{476}\) and in Hitendra V. Thakur and others etc. V/s State of Maharashtra\(^{477}\) The Apex Court had held that Public Prosecutor is a public servant and he has independent statutory authority. He discharges function of public nature. His office is more of a judicious in character is fully separated from political intervention. Prosecutor must be trained in modes of operation of different culprits in committing offences and training in criminology, to help the Court in expeditious disposal of cases, to the best of his special skill and technique and not for obtaining convictions. They have to handle serious and heinous criminal cases of different Acts. Prosecutor should be, vigilant while conducting the cases. Books on proper subjects should be obtained from law library and read. Prosecutor must have a good intensive and intelligent training and practical. Person in service should be given periodical training strategy for reform. Lectures from high police and Judicial officers, retired High Court, Supreme Court Judge or officers of the high post of the same department must be arranged for prosecutor to learn how to take swift action in criminal cases which prosecutor has to conduct, Which prosecution witness has to examined first, which witness need not be examined to expedite the case. How to handle the cases of misappropriation, Food adulteration, effectively. Excellent

\(^{477}\) AIR 1994 Supreme Court P.2623
command over Court; influential language is necessary. Relevant law books should be provided necessarily to the prosecutors through Public Prosecutor library. If Public Prosecutor has any doubt in respect of provision of law of particular Act, he can read the book to clear his ideas and relevant sections of the Act and commentary. Idea of above matters and behaviours with counsel, Judges, information about new Acts e.g. cyber crimes etc. can be easily learnt in training period as Judges get effective training in Judicial Magistrate's Training Institute at Nagpur and Mumbai in Maharashtra. It will be a boost to the Prosecution branch.

In the Court of Judicial Magistrate First Class or in Sessions Court the seasoned and senior advocates represent accused where the competence of the prosecutor is generally poor because he has no training and even law library, or latest books to read or training. There should be a suitable office for prosecutors. With a 3 year practice for conduction of criminal cases, cases under section 420, 406, 471, 468, 465, 409,326 Indian Penal Code a technical conduction. Work cannot be mastered in 3 year’s practice, or for Sessions work with 7 years practice Conservation of Foreign Exchange and Prevention Of Smuggling Activities Act 1974 cases, Terrorists and Disruptive Activities (Prevention) Act of 1987 cases or prevention of Black Marketing and Maintenance of Suppliers of Essential Commodities Act 1980 cases or Narcotic Drugs And Psychotropic Substances Act 1985 or of some other Acts would not have been conducted by unexperienced prosecutor. Therefore proper training can help him to perform efficient work and need not lay down hands with advocates for removal of doubts.

There should be effective handling of complex financial crimes. Because the case papers become voluminous with bulky documents and much more exhibits. Technique in training comes to his help. However, punishment to accuse will depend on effective prosecution in adversary method of trial. Therefore trained, well-qualified, studied and dedicated prosecutor is necessary to conduct cases fairly. No sincere efforts have been made in this direction. Integrity and impartiality are the essential characteristics of the prosecutor. He should not be after conviction. Only put
proper case according to evidence, before the Court and explain it to the best of his ability. It is said in -

Shrimad Bhagwat Geeta Adhayay 2 recital 47 that i.e. the action alone has thou a right and never all the fruits of it. Let not fruit of the action be thy motive,

Moreover, Public Prosecutor has to collect information from victim in respect of defence evidence to cross-examine defence witnesses to the best of his ability. There is a heavy work load on prosecutors in criminal cases in Sessions or in the Court of Judicial Magistrate First Class. Therefore strength of prosecutor in both the Courts should increase as per requirement. Moreover, there should be a coordination among prosecutors and Police along with forensic expert because prevention and control of crime is the primary duty of the State through police thereby effort can be made to improve technical flaws in investigation.

14) Briefs for Prosecutors:

The Preparation of Police briefs i.e. papers of investigation for prosecutors at least in serious offences must be made mandatory. There must be a legal Advisors to police for investigation so as to know latest development to investigating agency.

15) In Respect of Evidence Act certain changes are required in contemporary period:

1) Shifting of burden of Proof:

In Indian Penal Code which deals with the allegation of voluntarily, intentionally, with common intention, motive, cheating, allurement, abetment among other charges awaiting new legal approach. Burden of proof of the
offences under above terminology should be on accused. It should not be on prosecution as such offences are tremendously increasing.

So also, Burden of proving all serious offences of Indian Penal Code or other Acts which generally fall under socio economic offences, should be shifted on accused and section 101 (A) should be inserted in Evidence Act. It will be effective to Prosecution. Such type of offences will minimize socio economic offences of the nation.

2) Maxim-Res ipsa loquitur to be applied in motor accident cases:

It in 2002, road fatalities; 80 thousands were killed and 3.5 lacks were seriously wounded in accidents on Indian roads\textsuperscript{478}. It has been rightly observed by His Lordship (Celebrated Jurist of India) Justice V.R.K. Iyer held in \textit{Rattansing V/State of Punjab}\textsuperscript{479}, lamented that Indian Highways are among the top killers of the country. It scarcely lies in the mouth of truck driver who plays with fire to complain of burnt fingers. The truck driver, his lethal hands at the wheel of heavy automobile, had taken the life of a scooterist. His Lordship observed that rashness and negligence are the relative concepts. Thus viewed it will be fair to apply the doctrine of \textit{res ipsa loquitur}. Therefore, burden will be on accused, he can only explain how the accident occurred and why the vehicle went off the road. If above terminology is used facts will speak for itself but should be applied with caution and the Indian Evidence Act is to be amended in this regard. It will be helpful to the Prosecution to bring the real truth before the Court.

3) Insertion of section 152A to check on humiliating or undignified questions to witnesses, Protection to witnesses and sufficient day allowance:

In Evidence Act, under chapter X Examination of Witnesses. In section 143 of the said Act when the leading question can be asked? It can be asked in cross-examination where undignified and immoral questions are asked. It

\textsuperscript{478} Times of India, dated 31 May 2004 (for the Proprietor Bennett Coleman, and Company Limited by Sam Dastoor Mumbai Publication) P. 14
\textsuperscript{479} 1980 Criminal Law Journal P.11
humiliates the Prosecution witness. Therefore to avoid humiliation and undignified question to Prosecution witness new section should be added after section 152 i.e. questions intended to insult or annoy. Section 152A shall be inserted in Law of Evidence for protection of witness in which unjustified, irrelevant question, degrading and humiliating cross examination and teasing remarks to witnesses shall be avoided. This will be under the head protection of witnesses from teasing remarks while a witness under cross-examination. Human dignity should be maintained. He should be treated with respect if he is dignified and trustworthy. Witnesses shall be protected from all types of humiliating attacks on their character by accused and his colleague outside the Court room. Moreover, they should be given sufficient day allowance. Criminal Procedure Code 1973 shall be amended. In spite of reasonable, "Sufficient" day allowance shall be inserted under section 312 Criminal Procedure Code 73 will be an assistance to the Prosecution. Witness will adduce evidence without fear or favour.

4) Renovate or modify the old Maxim:

An old maxim "accused is presumed to be innocent" is not golden saying today. We have to change it to suit the present and future circumstances. The maxim that guilt of the accused should be proved beyond all reasonable doubts or the guilt should not be brought home to the accused or benefit of doubt should go in favor of accused should be given up in view of the new trends. Actus non facit reum nisi mens sit rea " and 100 guilty persons can go unpunished but not a single innocent should suffer" make a mockery of Law and justice. e.g. in a group of murderer or decoy or gang rapists or riot etc. if one of them is innocent and if it is not possible to search out who that one is then all the culprits are entitled to be acquitted. Therefore, in these days of flourishing crimes even in technical offences like as Cyber Crimes, or intelligent offences it is not expected or proper for the Society at large to search out exact culprit. On the other hand if one innocent is to be sacrificed for the good of the society, it will be a great sacrifice for him. But, to save one innocent if other culprits are acquitted, the society will be victimized by the offenders. It is, therefore, necessary for the legislator or law makers.
lawyers and, Judges in particular and people in general to give a fresh look or thinking on the subject and change the age old maxim of law and from it new thinking as necessary. Now a day’s accused is more clever than before as economic and scientific development in our nation is in advance stage. He commits an act in such a way, which does not fall within a defined ingredient of the particular offence he has committed. Therefore new criminal jurisprudence is required. "No guilty can escape the punishment and innocent should not suffer" should be a maxim applicable to criminal trial. Therefore, it is necessary that if on a particular question asked by the Court, accused remain silent, Court should be allowed to draw adverse inference as it is already in evidence against culprit. Quest for truth shall be the guiding principle of Criminal Justice System and helpful to Prosecution and save the nation from anarchical attitude of culprits.

5) In serious offences and rule regarding evidence in socio economic offences a need for changes:-

These offences have a tendency to erode the national health and material welfare of the society as a whole and threaten direct impact on the national economy. The culprits are not only clever but also educated. They escape punishment from the clutches of law. White Collar crimes are committed by not only those who are ingenious, clever, shrewd, rich but also greedy persons. They are related to health, wealth and safety e.g. weights and measures, Food standards, insurance, banking, tax matter, computer, fraud of foreign exchange, counterfeiting coins etc. drug trafficking etc. are all master minded and planned crimes. The shrewd accused persons do not allow a criminal case to reach, at the stage of evidence. The concept of crime in economic offences in changing society differs from traditional crime. They are of Socio-Economic nature. The only way of securing punishment against white-collar crimes is to make necessary provisions in specific law dealing with and amending provisions so as to raise certain presumptions against accused and relating to the burden of proof. Proper sentencing has always been considered as means to an end, a psychological lesson given to culprit of his socially dangerous behavior and for others not to follow it.
Indian Penal Code has come into force in 1860. Since then time and tide changed so much. It should be redefined from time to time with the change of circumstances and development of science and technology. The Judicial will have to change accordingly and law must be developed as per the necessity to suit the time. Therefore, it has been said, "Law is like a apparel which alters with the time."

- John Dodderdge.