CONTENTS

PREFACE

CONTENTS

1. INTRODUCTION

2. OFFENCES AGAINST NATIONAL SECURITY
   2.1 Philosophy underlying the offences
   2.2 Governing statutes
   2.3 Insurrection
   2.4 Offences relating to waging war
   2.5 Preparation to wage war
   2.6 Concealing design to wage war
   2.7 Assaulting President or Governor
   2.8 Sedition
   2.9 Offences prejudicial to relation with foreign states
   2.10 Offences of recruiting and enlistment
   2.11 Assisting the enemy
   2.12 Offences relating to armed forces
   2.13 Offences as to deserter’s concealing
   2.14 Abetting act of insubordination
   2.15 Wearing garb or carrying token
   2.16 Incitement to mutiny
   2.17 Subversive activities
   2.18 Subversive association
   2.19 Spying
   2.20 Interfering with police and armed force officers
   2.21 Omission to give information
   2.22 Offences relating to terrorism

3. TYPES OF CRIMINAL PROCEDURE
   3.1. Accusatorial system
   3.2. Inquisitorial system
   3.3. Packer’s two models of criminal process
   3.4. Values Underlying Two Models
   3.5. Crime control values
   3.6. Due Process Values
   3.7. Models in operation
   3.8. Arrest for investigation
   3.9. Access to counsel
   3.10. Detention and interrogation after arrest
   3.11. Electronic surveillance

Cochin University of Science and Technology
3.12. Illegally searched evidence
3.13. The decision to charge
3.14. Pre-trial detention
3.15. Plea of guilty
3.16. France
3.17 Trial court

4. POLICE, PROSECUTORS AND DEFENCE COUNSEL

| 4.1 Police |
| 4.2 Structure and hierarchy |
| 4.3 Police station |
| 4.4 Officer in charge of a police station |
| 4.5 Powers of police officers |
| 4.6 Central Bureau of Investigation |
| 4.7 Prosecution |
| 4.8 Role of prosecutor |
| 4.9 Organisation of prosecution |
| 4.10 Public Prosecutors for High Courts |
| 4.11 Public Prosecutors for districts |
| 4.12 Assistant Public Prosecutors |
| 4.13 Special Public Prosecutors |
| 4.14 Power of prosecutors |
| 4.15 Withdrawal from prosecution Nature of power Reason for withdrawal Ground for according sanction |
| 4.16 Advocate General |
| 4.17 Defence counsel |

5. COURTS

| 5.1 Territorial divisions |
| 5.2 Criminal Courts |
| 5.3 Classes of criminal courts |
| 5.4 Supreme Court |
| 5.5 Qualification of Judges |
| 5.6 Tenure and removal of Judges |
| 5.7 Jurisdictions and powers |
| 5.8 A court of record |
| 5.9 Enforcement of fundamental rights |
| 5.10 Appellate jurisdiction |
| 5.11 Without certificate |
| 5.12 With certificate |
| 5.13 Enlargement of criminal appellate jurisdiction |
| 5.14 Appeal by special leave |
5.15 Appellate jurisdiction under the Code
5.16 High Court
5.17 Qualification of Judges
5.18 Tenure and removal of Judges
5.19 Jurisdiction of the High Court
5.20 Court of record
5.21 Power of superintendence over all courts by the High Court
5.22 Original jurisdiction
5.23 Appellate jurisdiction
5.24 Appeal against conviction
5.25 Appeal against sentence
5.26 Appeal against acquittal
5.27 Power of the High Court exercising Appellate jurisdiction
5.28 Finality of the appellate judgment
5.29 Revisional jurisdiction
5.30 Supervisory jurisdiction
5.31 Inherent power
5.32 Superintendence over Court of Judicial Magistrates
5.33 Jurisdiction to transfer cases
5.34 Power in bail matters
5.35 Anticipatory bail
5.36 Reference
5.37 Disciplinary jurisdiction
5.38 Writ jurisdiction
5.39 Court of Session
5.40 Jurisdiction of Sessions Court
5.41 Original jurisdiction
5.42 Appellate jurisdiction
5.43 Revisional jurisdiction
5.44 Jurisdiction to transfer of cases and appeals
5.45 Jurisdiction in bail matters
5.46 Court of Judicial Magistrate
5.47 Chief Judicial Magistrates
5.48 Sub Divisional Magistrate
5.49 Special Judicial Magistrates
5.50 Jurisdiction of Magistrates
5.51 Local jurisdiction of Judicial Magistrates
5.52 Sentence in cases of conviction of several offences at one trial
5.53 Procedure when Magistrate cannot pass sentence sufficiently severe
5.54 Subordination of Judicial Magistrates
5.55 Courts of Metropolitan Magistrates
5.56 Subordination of Metropolitan Magistrates
5.57 Executive Magistrates
5.58 Courts under other statutes

6. INVESTIGATION

6.1 Commencement of investigation
6.2 Classification of offences and power to investigate
6.3 Investigation on receiving information
6.4 Information to police
6.5 Report to magistrate
6.6 Proceeding to spot
6.7 Ascertainment of facts and circumstances
6.8 Inquest
6.9 Inquest by police
6.10 Inquest by magistrate
6.11 Arrest
6.12 Arrest with warrant
6.13 Arrest without warrant
6.14 Deputing subordinate to arrest
6.15 Arrest how made
6.17 Additional powers for effecting arrest
6.18 Pursuit of offenders
6.19 Extradition
6.20 Post arrest procedures
6.21 Power to seize offensive weapons
6.22 Medical examination of the arrested
6.23 Arrestee’s rights
6.24 Procedure when investigation cannot be completed within twenty-four hours of arrest
6.25 Collection of Evidence
6.26 Use of the statements made to the police during investigation
6.27 Confessions and statements
6.28 Order to produce documents or things
6.29 Search and seizure
6.30 Search with warrant
6.31 Search without warrant
6.32 Search by police officer during investigation
6.33 Search by police officer in the limits of another police station
6.34 Procedure on completion of investigation
6.35 Who shall conduct investigation
### 7. POST INVESTIGATION CRIMINAL PROCESS

#### 7.1 Cognizance of offences
#### 7.2 Issuing summons or warrant
#### 7.3 Power to dispense with the personal attendance of the accused
#### 7.4 Supply to the accused of copies of statements and other documents
#### 7.5 Concept of fair trial
#### 7.6 Adversary system
#### 7.7 Legal aid to the indigent accused
#### 7.8 Presumption of innocence
#### 7.9 Right of cross-examination
#### 7.10 Autrefois acquit and Autrefois convict
#### 7.11 Trial procedures, common features
#### 7.12 Proceedings to be held expeditiously
#### 7.13 Decision on evidence partly recorded by one judge or magistrate and partly by another
#### 7.14 Commitment of case to court of session
#### 7.15 Approver, if any, to be examined before committal
#### 7.16 Consolidation of cases instituted on a police report and on a complaint
#### 7.17 Trial before a court of session
#### 7.18 Supply of copies
#### 7.19 Initial steps in trial
#### 7.20 Discharge
#### 7.21 Framing of charges
#### 7.22 Explaining the charge
#### 7.23 Conviction on plea of guilty
#### 7.24 Procedure on pleading not guilty
#### 7.25 Evidence for prosecution
#### 7.26 Oral arguments and memorandum of arguments of the prosecution
#### 7.27 Examination of the accused by the court
#### 7.28 Hearing the parties
#### 7.29 Order of acquittal
#### 7.30 Record of evidence
#### 7.31 Written statement of accused
#### 7.32 Steps to follow the defence evidence
#### 7.33 Arguments
#### 7.34 Judgment
#### 7.35 Post conviction proceedings
#### 7.36 Procedure in case of previous conviction
7.39 Trial of warrant cases by Magistrate
7.40 Cases instituted on a police report
7.41 Discharge of accused
7.42 Framing of charges
7.44 Explaining charge
7.45 Conviction on plea of guilty
7.48 Fixing date for examination of witnesses
7.49 Evidence of prosecution
7.50 Record of evidence
7.51 Steps on completion of prosecution evidence
7.52 Steps to follow the defence evidence
7.53 Summary Trial

8. CRIMINAL JUSTICE SYSTEM IN INDIA ERRORS AND CORRECTIONS 246 - 261
8.1 Electronic Surveillance
8.2 Working of Crime Control Features in India
8.3 No Judicial Interference in Investigation - Merit or De-merit?
8.4 Investigating agency

ANNEXURE 1 ix-xi
ANNEXURE 2 xii-xviii
BIBLIOGRAPHY xix-xxiii
Books
Articles
Statues
Reports
LIST OF CASES xxiv-xlv