

TRIAL OF CRIMINAL CASES

CHART - B

INSTITUTED ON A POLICE REPORT

INSTITUTED
OTHERWISE THAN ON
A POLICER EPORT

Summary (Chapter 21)	Summons (Chapter 20)	Warrant (Chapter 19-A)	Sessions (Chapter 18)
<p>a) Type of cases – Sec. 260 (1) – (9 categories of cases)</p> <p>b) Procedure is that of summons cases –Sec. 262 (1).</p> <p>1) Substance of accusation i.e. Particulars of offence to be read over to the accused.<u>No charge</u> is to be framed – Sec.251.</p> <p>2) Conviction if accused pleads guilty – S. 252.</p> <p>3) Petty offences – Sec. 206(2). The Magistrate can issue a special summons as provided under Sec. 206 (1) and the accused can plead guilty in his absence-Sec. 253 (1).</p> <p>4) If the accused is not convicted U/s 252, TRIAL - S. 254.</p> <p>a) <i>Prosecution evidence: Substance of the evidence need be recorded (Sec. 264).</i></p> <p>b) <i>313 Examination unless personal attendance of accused had been dispensed with.</i></p> <p>c) <i>Accused will not be called upon to enter on his defence.</i></p> <p>d) <i>Judgment :- Need only be a brief one giving reasons for the finding – Sec. 264.</i></p> <p>e) <i>If convicted, pass a sentence.</i></p> <p>f) <i>No sentence exceeding 3 months can be passed- Sec. 262 (2).</i></p> <p>g) <i>No hearing on the sentence.</i></p> <p>h) <i>Compensation may be awarded to the accused if accusation was without treasonable cause - Sec. 250.</i></p>	<p>a) Offences punishable with imprisonment upto 2 years</p> <p>b) Procedure - Sec. 251 to 258</p> <p>1) Substance of accusation to be read over to the accused (S. 251). No charge need be framed unless the Magistrate decides to convert the case into a warrant case under Sec. 259. Hence no discharge.</p> <p>2) conviction- if accused pleads guilty– Sec. 252</p> <p>3) If accused is not convicted U/s 252, TRIAL – S. 254.</p> <p>a) <i>Prosecution evidence – S. 254</i></p> <p>b) <i>313 Examination unless personal attendance of accused had been dispensed with.</i></p> <p>c) <i>Accused will not be called upon to enter on his defence.</i></p> <p>d) <i>Acquittal or release depending on the stage of the case after stopping the proceedings – Sec.258. If Principal witness was examined, acquittal, In other cases-release. (This power is not available in complaint case).</i></p> <p>e) <i>Acquittal or conviction Sec. 255.</i></p> <p>f) <i>If convicted, pass a sentence. S.255 (2)</i></p> <p>g) <i>No hearing on the sentence.</i></p> <p>h) <i>Compensation may be awarded to the accused if accusation was without reasonable cause – Sec.250.</i></p>	<p>a) Offences punishable with imprisonment exceeding 2 years.</p> <p>b) Procedure: Secs. 238 to 243 and 248.</p> <p>1) Discharge – if the charge is groundless- Sec. 239.</p> <p>2) Frame charge if there is ground for presuming the commission of the offence Sec. 240.</p> <p>3) Conviction – If accused pleads guilty – Sec. 241.</p> <p>4) If accused pleads not guilty, TRIAL – S. 242.</p> <p>a) <i>Magistrate shall take prosecution evidence – S.242.</i></p> <p>b) <i>313 Examination.</i></p> <p>c) <i>Then the accused to be called upon to enter on his defence – Defence evidence – Sec. 243.</i></p> <p>d) <i>Acquittal (S.248 (1) or conviction – S.248 (2).</i></p> <p>e) <i>When convicted, Court to hear the accused on the sentence Sec. 248 (2) and then pass a sentence.</i></p> <p>f) <i>Compensation may be awarded to the accused if accusation was without reasonable cause – Sec. 250.</i></p>	<p>a) Offences punishable with imprisonment exceeding 7 years. Cognizance only on committal u/s 193 r/w 209 Cr.P.C.</p> <p>b) Procedure:-</p> <p>1) After preliminary hearing, discharge under Sec. 227 or frame charge u/s. 228 (1) (b).</p> <p>2) If offence is not exclusively triable by a Court of Session, may frame charge and transfer the case to CJM or JFCM for trial u/s 228 (1) (a).</p> <p>3) Judge may convict - if accused pleads guilty - Sec. 229.</p> <p>4) If pleads not guilty , TRIAL – S. 230</p> <p>a) <i>Prosecution evidence - Secs. 230,231.</i></p> <p>b) <i>313 Examination.</i></p> <p>c) <i>Order of acquittal under Sec. 232 – if after prosecution evidence there is no evidence to show the commission of an offence.</i></p> <p>d) <i>If not acquitted u/s. 232 call upon the accused to enter on his defence – Sec. 233.</i></p> <p>e) <i>Acquittal or conviction – Sec.235.</i></p> <p>f) <i>Court should hear the convicted accused on the sentence. Sec.235 (2).</i></p>

COGNIZANCE - Sec. 190

- 1) Upon receiving a private complaint.
- 2) Upon a Police Report.
- 3) Upon information from a non-police officer.
- 4) Upon the own knowledge of the Magistrate. (In 3 & 4 the Magistrate has to inform the accused before evidence is taken, that he is entitled to have the case inquired into and tried by another Magistrate. If the accused objects to further proceedings, the case should be transferred to such Magistrate as may be specified by C.J.M.-Sec.191).
For procedure– See CHART - B