

OVER VIEW OF

CRIMINAL PROCEDURE CODE



durga prasad dharavath

HEART & SOUL OF CRIMINAL JUSTICE SYSTEM

POLICE

SCIENTIFIC AID

PEOPLE

JUDICIARY

PRISONS



WHY & WHAT FOR

The Code of Criminal Procedure (CrPC) is the main legislation on procedure for administration of substantive criminal law in India.

It was enacted in 1973 and came into force on 1 April 1974. it provides the machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of punishment of the guilty.

Additionally, it also deals with public nuisance, prevention of offences and maintenance of wife, child and parents.

At present, the Act contains 484 Sections, 2 Schedules and 56 Forms.

The Sections are divided into 37 Chapters.



EVIDENCE ACT : AM I RELATED



ALL THE JUDICIAL PROCEEDINGS ARE BASED ON

- EVIDENTIAL VALUE OF INVESTIGATION
- ORAL/ DOCUMENTARY/ ELECTRONIC EVIDENCE
- SCIENTIFIC EVIDENCE
- ADMISSIBILITY OF THE EVIDENCE
- RELEVANCY OF EVIDENCE
- PRESUMPTIONS





JUDICIAL MACHINERY

CHAP-II & III

SUPREME COURT OF INDIA

HIGH COURT OF THE STATES

COURTS OF SESSION

SENIOR CIVIL JUDGE COURTS

JUDICIAL MAGISTRATES OF THE FIRST CLASS

JUDICIAL MAGISTRATES OF THE SECOND CLASS

EXECUTIVE MAGISTRATES.

JUVENILE JUSTICE BOARDS: CHILDRENS COURT

SCHEDULES



Clip slide

TRIAL OF OFFENCES

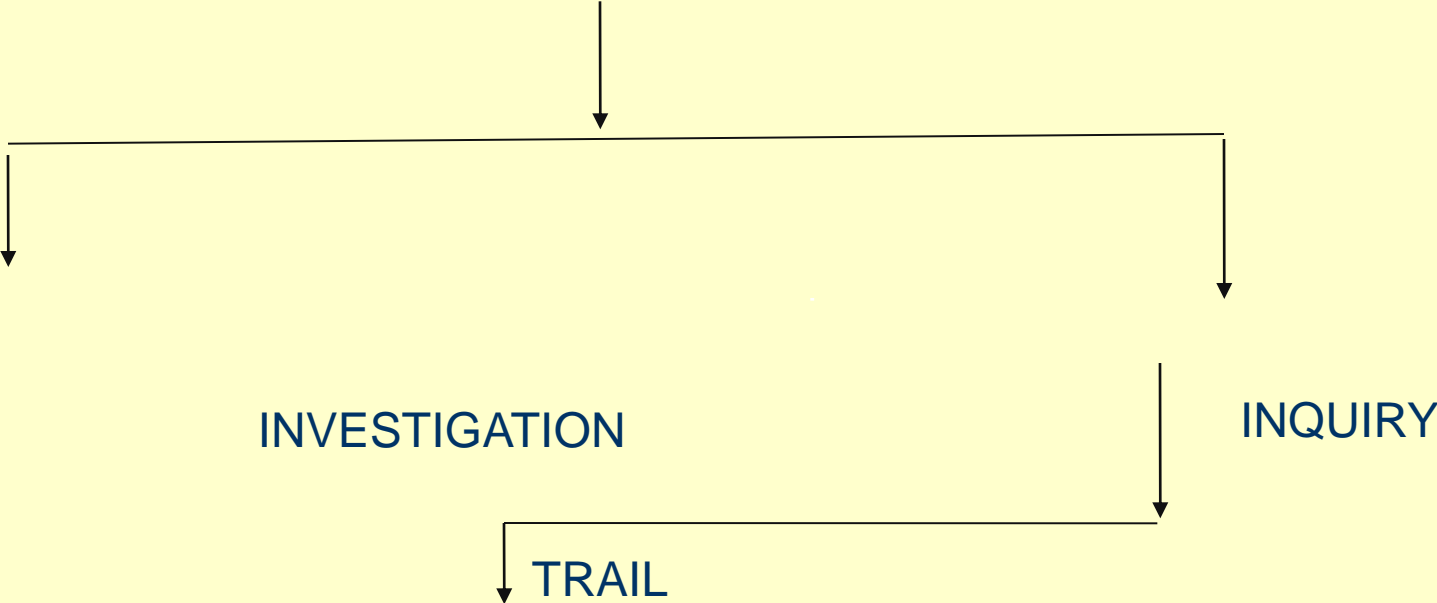


FIRST SCHEDULE : CLASSIFICATION OF OFFENCE

SECOND SCHEDULE : FORMS

PROCESS

COMPLAINT



TRAIL







FIR

SECTION 154 CRPC

MAGISTRATE

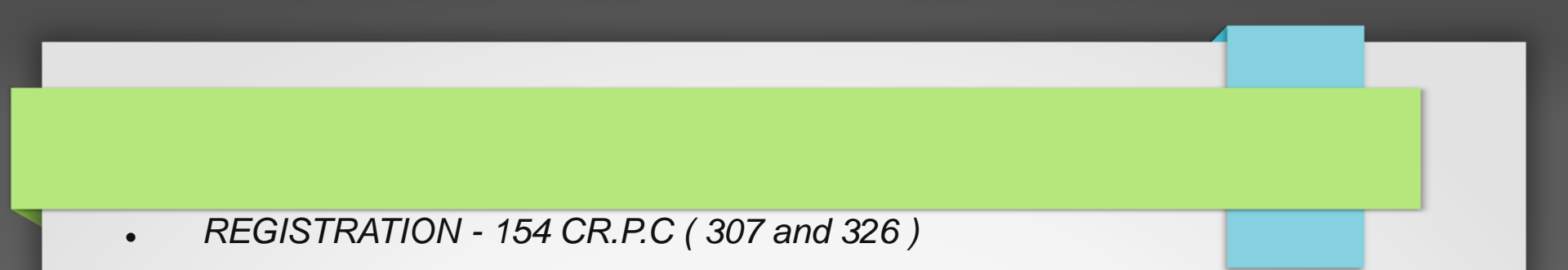
156(3) CRPC

SECTION 155 CRPC

NON COGNIZABLE

REPORT U/S 158
CRPC

173 CRPC

- 
- *REGISTRATION - 154 CR.P.C (307 and 326)*
 - *OBSERVING THE SCENE OF CRIME* ***INVESTIGATION***
 - *ASCERTAINMENT OF ALL THE FACTS DISCOVERY - ARREST*
 - *161/162 CR.PC.*
 - *CONDUCT OF SEARCHES OF PLACES AND SEIZURE OF PROPERTIES,*
 - *PANCHANAMA*
 - *FORWARDING EXHIBITS -SCIENTIFIC EXPERTS (SECTION 293 CR.P.C)*
 - *SUBMISSION OF A FINAL REPORT (SECTION 173 CR.P.C.)*
 - *ABSCONDING CHARGE SHEET*

157 (1) (B) OF THE CRIMINAL PROCEDURE CODE.

Can u refuse INVESTIGATION

TRIVIALITY:- SECTION 95 OF THE INDIAN PENAL CODE.

CIVIL NATURE

PETTY THEFTS : STATION MANAGEMENT

INJURED PERSON NOT WISHING AN INQUIRY

UNDETECTABLE SIMPLE CASES

EXAGGERATED ASSAULTS

- FURTHER INVESTIGATION-SECTION 173(2) IS ABANDONED OR REJECTED.

INVESTIGATION

- > 161.EXAMINATION OF WITNESSES(354,POCSO) Contrdict**
- > 162.STATEMENTS, NOT TO BE SIGNED: 145 I E ACT**
 - EXCEPT 32 OF THE INDIAN EVIDENCE ACT, 1872 OR TO AFFECT THE PROVISIONS OF SECTION 27 OF THAT ACT.**
- > SECTION 24 OF THE INDIAN EVIDENCE ACT, 1872(1 OF 1872).**
- > 164.RECORDING OF CONFESSIONS (contr & corrob).**
- > DEFECTS OF INVESTIGATION**

INVESTIGATION

> 167 (2) CRPC

> 169. Release of accused when evidence deficient.-

>170. Cases to be sent to Magistrate when evidence is sufficient.-

>173. CHARGE SHEET

174. Police to enquire and report on suicide, etc.-

Executive Magistrate

176. Inquiry by Magistrate into cause of death.



CASE DAIRY

- >Section 172 Cr.P.C. Use only as aid to court .
- Evidential value of entries in police diary. neither
- substantive nor corroborative evidence.
- >Defence can see part of relevant in dairies
- > CONTRADICITON & OMISSION

SECTION 100 CRPC



- > 166. SUB-INSPECTOR – OUT SIDE JURISDICTION
- > 165 NEAREST MAGISTRATE EMPOWERED TO TAKE COGNIZANCE
- > FREE COPY TO THE OWNER OR OCCUPIER
- > SEIZURE IN THE PRESENCE OF LOCAL WITNESSESS
- Sec 99, 100, and 101) : > Can the police search without a search warrant?
- sec 165, 166, 153).
- >When can any court issue a search warrant (Sec 83, 94, 97, 98)
- > if withness failed to appears_ 187 CRPC



ARREST CHAP V

41. ANY POLICE OFFICER MAY WITHOUT AN ORDER FROM A MAGISTRATE AND WITHOUT A WARRANT –

ARREST ON REFUSAL TO GIVE NAME AND RESIDENCE -ARREST BY PRIVATE PERSON AND PROCEDURE ON SUCH ARREST.

50. PERSON ARRESTED TO BE INFORMED OF GROUNDS OF ARREST AND OF RIGHT TO BAIL

51. SEARCH OF ARRESTED PERSONS

54A. IDENTIFICATION OF PERSON ARRESTED

54. EXAMINATION OF ARRESTED PERSON BY MEDICAL PRACTITIONER

56. PERSON ARRESTED TO BE TAKEN BEFORE MAGISTRATE OR OFFICER IN CHARGE OF POLICE STATION

ARREST

Supreme Court Direction in D.K. Basu (1997)

Identification of police officer

Memo of arrest to be attested by a witness

A member of the family of arrested accused

Notifying the arrest in District Police control Room

G.D. Entry

To have a

person at the time of interrogation (Art 20)



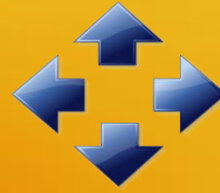
SEC.41 (A) CRPC

Notice of appearance before police officer.— **Armesh kumar vs. state of bihar**

- (1) The police officer *[shall], in all cases where the arrest of a person
- (2) is not required under the provisions of sub-section (1)
- (3) of section 41, issue a notice directing the person against whom
- (4) a reasonable complaint has been made, or credible information
- (5) has been received, or a reasonable suspicion exists that he has
- (6) committed a cognizable offence, to appear before him

NO HANDCUFF





REMAND

1. 24 HOURS
2. MAGISTRATE OR EXECUTIVE MAGISTRATE
3. 07 DAYS : 15 DAYS
4. 167 (2) CRPC : 60 OR 90 DAYS
5. POLICE CUSTODY

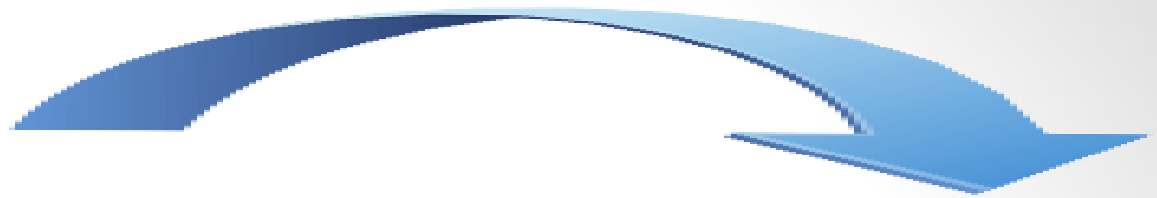




BAIL or JAIL



1. **Bailable offences - 436 CRPC (indigent)**
 2. **Non-bailable offences - 437 CRPC**
 3. **Section 438 CRPC : section 439 CRPC**
 4. **167 (2) cRpc**
 5. **BAIL BY POLICE : 42 CRPC (NON COG) : 43 CRPC PRIVATE PERSON :**
 6. **169 CRPC if IO feels no evidence : 170 bailable**
 6. **Bail for Contempt in presence of Court : under section 346, Cr. P.C –**
Bail to Witness under Section 349 Cr. P.C. Post-Conviction and Pre-Appeal Bail
under section 389 Cr. P.C.
 7. **Bail During Revision Under Section 397 Cr. P.C.**
- Bonds has been defined under s. 440 – 450 of code of criminal procedure, 1973.**



PREVENTIVE POWERS OF POLICE

1. *Sec. 149 Cr. PC – Nakabandi/ Surveillance/ opening of history sheets/ Frisking /externment.*
2. *Sec. 151 Cr. PC - Preventive arrests*
3. *Sec. 129 Cr. PC : Dispersal of unlawful assembly – use of Non-lethal weapons.*
4. *Sec. 144 Cr. Pc curfew etc.,*
5. *Sec. 144 A Cr. PC Prohibition to carry arms*
6. *107 to 110 Cr. PC : Bodily Offenders/Communal offenders/ property offenders / habitual Offenders.*
7. *Prevention Detention of smugglers/ Goondas/Boot legers /Immoral Trafficking Offenders/ sand smugglers (TN)*

INQUIRY

Inquiry 2(g) - 202, Cr.P.C - ENDS WITH CHARGE

- 1. Taking of Cognizance (190 cRpc)*
- 2. Complaint proceeding*
- 3. Dismissal of complaint*
- 4. Issue of process*
- 5. Handing over of documents*
- 6. Fixation of date for 1st hearing etc.*





TRIAL

CHARGE TO JUDGMENT (CHAP XVI)

Court OF SESSIONS

WARRANT TRAIL

SUMMONS TRAIL

SUMMARY TRAIL

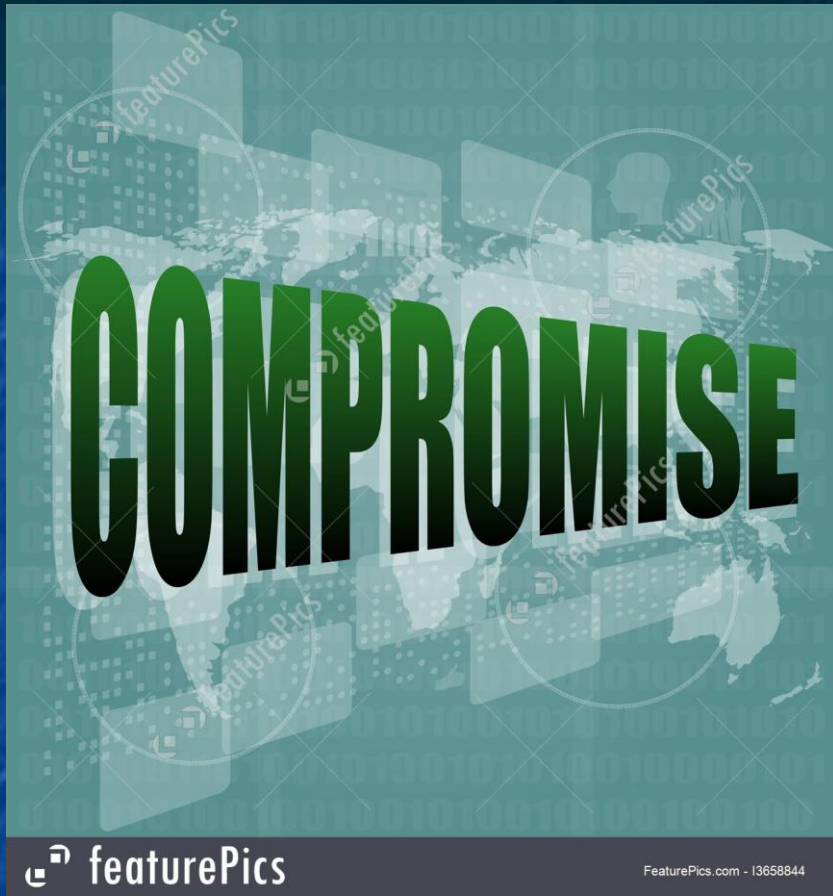
FAIR TRAIL

ADVERSARIAL SYSTEM

PRESUMPTION OF INNOCENCE OF ACCUSED

INDEPENDENT AND IMPARTIAL

RIGHTS OF THE ACCUSED



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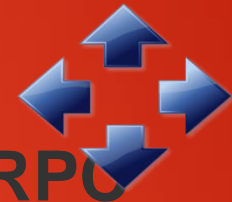
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320 CRPC

“NOTHING IS SO HEALING AS THE HUMAN TOUCH.”

BOBBY FISCHER

© Lifehack Quotes



Section 82 CRPC

1. Proclamation for person absconding.

Notice directing him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows:-

- (i) (a) it shall be publicly read in some conspicuous place of the town or village in
- (ii) which such person ordinarily resides;
- (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;
- (c) a copy thereof shall be affixed to some conspicuous part of the Court- house;
- (ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.



Section 83 CRPC

1. Attachment of Property of person absconding.

(1) The Court issuing a proclamation under section 82 may, for reasons to be recorded

(2) in writing, - affidavit

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove, the whole or any part of his property from the local jurisdiction of the Court, it may order the attachment simultaneously with the issue of the proclamation

(2) District Magistrate within whose district such property is situate.

(3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made-

(a) by seizure; or

(b) by the appointment of a receiver espl perishable



ONE GO...

Visiting Scene of Crime(157 Cr.PC)

Visiting Scene of Crime(157 Cr.PC)

To investigate facts & circumstances
(*Crime details form No.76 IIF-2*)

Discovery and arrest of offender

Examination of Witnesses
(u/s 160,161,162 Cr.PC r/w 8/14 IEA)
Recording of Dying declaration (u/s 32 IEA)
Recording of Statement/Confession, by Court u/s 164 Cr.PC(*IIF-3 Form No.62*)

Arrest of accused
u/s 41,41-B,41-C,42,46 Cr.PC

Notice to accused u/s 41-A Cr. PC, where
punishment is less than 7 yrs.

Search by police officer (Sec. 165
r/w 100 Cr.PC, 166 CrPC

Case Diary (172 Cr.PC) Remand Case Diary (u/s
167 Cr.PC)

Consult PP/Addl. PP/APP

Seizure panchanama (I.I.F.4
Form 58)

Charge sheet/final report (u/s 173 Cr. P.C) I.I.F 5
(form 69) further investigation u/s 173 (8) Cr.PC

Trial : Conviction/Acquittal (I.I.F.6
Court Disposal from no.83)

Victim support

Appeal (I.I.F.7 (Result of appeal form No. 84)

Prosecution of Judges and public servants.

OUR RESCUE-197 CRPC

(1) NO COURT SHALL TAKE COGNIZANCE - EXCEPT WITH THE PREVIOUS SANCTION

(A) CENTRAL GOVERNMENT; STATE GOVERNMENT , ARMED FORCES

(B) THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENT, AS THE CASE MAY BE, MAY

DETERMINE THE PERSON BY WHOM, THE MANNER IN WHICH, AND THE OFFENCE OR OFFENCES FOR WHICH, THE PROSECUTION OF SUCH JUDGE, MAGISTRATE OR PUBLIC SERVANT IS TO BE CONDUCTED, AND MAY SPECIFY THE COURT BEFORE WHICH THE TRIAL IS TO BE HELD

DISPOSAL OF PROPERTY

SECTION 451 & 457 CRPC

454. Appeal against orders under section 452 or section 453

455. Destruction of libelous and other matter

458. Procedure where no claimant appears within six months

328 CRPC

Provision pertaining to the persons of unsound mind

RECEPTION ORDER BY THE MAGISTRATE

LIMITATION

468.Bar to taking cognizance after lapse of the period of limitation.-

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.



SECTION 125 CRPC

1. his wife, unable to maintain herself, or

*2. his legitimate or illegitimate minor child, whether married or not, unable to maintain itself,
or*

*3. his legitimate or illegitimate child (not being a married daughter) who has attained majority,
where such child is, by reason of any physical or mental abnormality or injury unable to
maintain itself, or*

4. his father or mother, unable to maintain himself or herself

THE STRATEGY (three P's)

Protection

Prevention



Click to add Text

Prosecution

WE SHOULD PROGRESS

FROM

Talkers to **Doers**
Doers to **Performers**
Performers to **Achievers**
Achievers to **Trend Setters**
Trend setters to **Reformers**



thank you



SHIRE
CE
ERVE

ANY QUERIES

