

SARDAR PATEL UNIVERSITY
Programme & Subject: BBA LLB
Semester: IX
Syllabus with Effect from: June - 2014

Fifth Year

Paper Code: IL - 901	Total Credit:
Title Of Paper: Law Of Crimes Paper-II : Criminal Procedure Code	

Unit	Description in Detail	Weightage (%)
I	Introductory The rationale of criminal procedure: the importance of fair trial. The organization of police, prosecutor, defense counsel and prison authorities and their duties, functions and powers.	
II	Pre-trial process: arrest The distinction between cognizable and non-cognizable offences: relevance and adequacy problems. Steps to ensure accused's presence at trial: warrant and summons. Arrest with and without warrant (Section 70-72 and 31). The absconder status (Section 82, 82, 83 and 84) Right of the arrested person Right to know grounds of arrest (Section 40(1), 44, 74). Right to be taken to magistrate without delay (Section 46, 47). Right of not being detained for more than twenty-four hours (section 47) Article 22(2) of the Constitution of India. Right to consult legal practitioner, legal aid and the right to be told of rights to bail Right to be examined by a medical practitioner (Section 43).	
III	Pre-trial process: Search and Seizure Search warrant (Section 82, 53, 57, 58) and searches without warrant (Section 62) Police search during investigation (Section 104, 106, 142) General principles of search (section 60) Seizure (Section 62) Constitutional aspects of validity of search and seizure proceedings	
IV	Pre-trial Process: FIR F.I.R. (section 143) Evidentiary value of F.I.R. (See Sections 94 and 147 of Evidence Act)	
V	Pre-trial Process: Magisterial Powers to Take Cognizance	
VI	Trial Process Commencement of proceedings: (Section 200, 201, 202) Dismissal of complaints (Section 202, 203) Bailable and Non-Bailable offences (Section 326, 327, 325) Cancellation of bail (Section 327 (4)) Anticipatory bail (Section 328) Appellate bail powers (Section 285(1), 254 (1), 327(4)) General principles concerning bond (Sections 331-340) Bail: concept, purpose: constitutional overtones	
VII	Fair Trial	



	<p>Conception of fair trial Presumption of innocence. Venue of trial. Right of the accused to know the accusation (Section 210-223) The right must generally be held in the accused's presence (Section 210-223) Right of cross -examination and offering evidence in defence: the accuser's Statement Right to speedy trial</p>	
VIII	<p>Charge Framing of charge Form and content of charge (Section 27, 28, 101) Separate charges for distinct offence (Section 108, 105, 220,210,222) Discharge - pre-charge evidence</p>	
IX	<p>Preliminary pleas to bar the trial Jurisdiction (Section 26, 177-188, 361,362,375) Time limitations: rationale and scope (section 368-372) Pleas of autrefois acquit and autrefois convict (Section 200, 22D) Issue-Estoppels Compounding of offences</p>	
X	Trial before a Court of Sessions: Procedural Steps and Substantive Rights	
XI	<p>Judgment Form and content (Section 243) Summary trial Post-conviction orders in lieu of punishment: emerging penal policy (Section 260,261, 10) Compensation and cost (Section 247, 248) Modes of providing judgment (Section 242, 262, 262)</p>	
XII	<p>Appeal, Review, Revision No appeal in certain cases (Section 272, 274, 276) The rationale of appeals, review, revision. The multiple ranges of appellate remedies: Supreme Court of India (Sections 273, 275, Articles 10, 82,83,86) High Court (Section 273) Sessions court (Section 273) Special right to appeal (Section 280) Governmental appeal against sentencing (Section 277, 278) Judicial power in disposal of appeals (Section 268) Legal aid in appeals. Provisional jurisdiction (Sections 257-304) Transfer of cases (Section 306, 307)</p>	
XIII	<p>Juvenile delinquency- juvenile justice act Nature and magnitude of the problem causes Juvenile court system Treatment and rehabilitation of juveniles Juveniles and adult crime Legislative and judicial protection of juvenile offender Juvenile Justice Act 1588</p>	
XVI	<p>Probation- Probation of offenders act Probation of offender's law The judicial attitude</p>	



	Mechanism of probation: standards of probation services. Problems and prospects of probation	
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Statutory Materials

- Criminal Procedure Code-1973
- Juvenile Justice(Care & Protection of Children) Act-2000
- Probation of Offenders Act, 1958

Basic Text & Reference Books:-

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| ➤ The Code of Criminal Procedure | - | Ratanlal & Dhirajlal |
| ➤ Criminal Procedure Code | - | D. D. Basu |
| ➤ Criminal Procedure Code | - | M.P.Tandan |
| ➤ Criminal Procedure Code | - | Mishra |
| ➤ Criminal Procedure Code | - | Dr. Myneni |
| ➤ Criminal Procedure Code | - | S.N.Mishra |
| ➤ Ganguly's Criminal Code & Practice | - | J.N. Malik |
| ➤ Code of Criminal Procedure Code | - | Sarkar |
| ➤ Juvenile Justice Act | - | N. K. Chakrabarti |
| ➤ Probation of Offenders Act | - | Consul S.C. |
| ➤ Probation of Offenders Act, | - | K. L. Sethi |
| ➤ Juvenile Justice Act | - | Comm.Law Publishers |
| ➤ Juvenile Justice | - | N. K. Chakrabarti |
| ➤ Juvenile Justice System | - | Vijay Hansaria & P. I. Jose |

