

Working Of Indian Criminal Justice System

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ABSTRACT

Indian criminal justice system was imposed to maintain the situation and of law and order. This justice system is applicable from the time of British India. Under this justice system, all Indian police and courts come under. All the rules related to the criminal laws are followed by the Court and Police according to the Indian criminal justice system.

Some of the laws coming under this justice system are very old. These criminal laws are regulated under Indian penal code. A number of acts like Protection of Civil Rights Act, 1955, Dowry Prohibition Act, 1961 fall in the provisions of the Indian criminal justice system. In criminal justice system, there is also the provision of imposing the penalties on violating the mentioned laws. The current paper highlights the Indian criminal justice system.

KEYWORDS:

Criminal, Justice, Law

INTRODUCTION

According to the Indian criminal justice system, the terms of punishment on law violation are different for different kinds of crimes. For example, the provision of penalties and punishments for violating the dowry law would be different from that in the case of committing the murder.

In Indian criminal justice system, there is also the provision of bail for the criminals where a criminal can be evicted from the prison by paying mentioned amount of money. Indian government has recently eliminated a number of provisions of criminal law where the age of juvenile is decreased.

Despite the fact that it appears to be conceivable that, like customary victimization would have dependable impacts on criminals, couple of experimental examinations have concentrated on the psychosocial change of this populace. While a couple of studies have discovered that a connections exists among melancholy and victimization, the potential association between online victimization and nervousness, depression, and low self-esteem have not been researched.

Companion victimization is believed to be a forerunner to uneasiness for criminals that continues into adulthood. The cycle portrayed beforehand in which victimization is identified with nervousness and evasion may happen with cyber bullying much similarly that it does with vis-à-vis bullying.

The capacity to create and keep up connections is additionally traded off accordingly. Research proof additionally bolsters a connection between companion dismissal and forlornness. Since criminals can once in a while be an extraordinary type of associate dismissal, it pursues that dejection might be highly identified with being victimized by companions, regardless of whether it happens vis-à-vis or online. Also, peer victimization has been found to have co-ordinate negative results on children and young people's confidence.

A review examine demonstrated that a relationship exists between up close and personal companion victimization amid youth and low self-esteem and forlornness as grown-ups. It appears to be highly conceivable that victims of criminals may likewise be in danger for encountering dejection and diminished confidence. The pathway that is proposed is that peer victimization is identified with negative self-assessment among victims which prompts withdrawal, isolation (i.e. forlornness) and brought down confidence.

As innovation is progressively turning into a configuration for companions to take part in negative interactions with one another, viable methods for countering these behaviors and the consequences of them are required. It is fundamental to approach the issue on various dimensions.

The contribution of parents, educators, school advisors and therapists and also school strategy producers are important to lessen the event

of and the dangers of negative psychosocial results related with cyber bullying and victimization. Parents are in a situation to impact both the event of criminal issue and victimization and the results for those associated with this type of companion abuse.

ROLE OF INDIAN CRIMINAL JUSTICE SYSTEM AND ITS SIGNIFICANCE

Extended checking and supervision of exercises and practices related to the criminals can be an effective impediment for digital harassing and exploitation. Despite concentrating on what their youngsters are doing on the Internet, guardians can in like manner make a circumstance in which their kids feel incredible and safe in revealing relationship in digital tormenting and exploitation.

Youth may be reluctant to bestow their experiences to guardians for fear that their on the web or telephone advantages will be constrained or lost completely. In this way, making an atmosphere in which digital tormenting and exploitation can be straightforwardly discussed will construct the chances that oppressive rascals and unfortunate casualties will search for help and support from their folks when they wind up connected with uneasy and alarming conditions on the web or with cell phones.

It primarily consists of ascertaining facts and circumstances of the case, includes all the efforts of a police officer for collection of

evidence: proceeding to the spot; ascertaining facts and circumstances; discovery and arrest of the suspected offender; collection of evidence relating to the commission of offence, which may consist of the examination of various persons including the accused and taking of their statements in writing and the search of places or seizure of things considered necessary for the investigation and to be produced at the trial; formation of opinion as to whether on the basis of the material collected there is a case to place the accused before a magistrate for trial and if so, taking the necessary steps for filing the charge-sheet.

The investigation procedure ends with a submission of a police report to the magistrate under section 173 of the code this report is basically a conclusion which an investigation officer draws on the basis of evidence collected.

Now the second phase is, Inquiry dealt under sections 177-189 of the code which consists of a magistrate, either on receiving a police report or upon a complaint by any other person, being satisfied of the facts. Lastly, the third stage is trial. Trial is the judicial adjudication of a person's guilt or innocence. Under the Crpc, criminal trials have been categorized into three divisions having different procedures, called warrant, summons and summary trials.

Section 2(x) of the Crpc defines Warrant-case i.e. "Warrant-case" means a case relating to an offence punishable with death,

imprisonment for life or imprisonment for a term exceeding two years; A warrant case relates to offences punishable with death, imprisonment for life or imprisonment for a term exceeding two years. Trial of warrant cases is dealt under sections 238-250 of the code.

The Crpc provides for two types of procedure for the trial of warrant cases i.e. By a magistrate, triable by a magistrate, viz., those instituted upon a police report and those instituted upon complaint. In respect of cases instituted on police report, it provides for the magistrate to discharge the accused upon consideration of the police report and documents sent with it. In respect of the cases instituted otherwise than on police report, the magistrate hears the prosecution and takes the evidence. If there is no case, the accused is discharged. If the accused is not discharged, the magistrate holds regular trial after framing the charge, etc. In respect of offences punishable with death, life imprisonment or imprisonment for a term exceeding seven years, the trial is conducted in a session's court after being committed or forwarded to the court by a magistrate.

A summons case means a case relating to an offence not being a warrant case, implying all cases relating to offences punishable with imprisonment not exceeding two years. In respect of summons cases, there is no need to frame a charge. The court gives substance of the accusation, which is called "notice", to the accused when the person appears in pursuance to the summons.

The court has the power to convert a summons case into a warrant case, if the magistrate thinks that it is in the interest of justice. The provisions regarding the procedure to be followed in summons case is dealt under section 251-259 of the Crpc.

DISCUSSION

Summary trials are dealt under section 260 – 265 of the Crpc the procedure is as provided; the high court may empower magistrates of first class to try certain offences in a summary way where as second class magistrates can summarily try an offence only if it is punishable only with a fine or imprisonment for a term not exceeding six months. In a summary trial no sentence of imprisonment for a term exceeding three months can be passed in any conviction.

The particulars of the summary trial are entered in the record of the court and in every case which is tried summarily in which the accused does not plead guilty the magistrate records the substance of the evidence and a judgment containing a brief statement of the reasons for the finding.

Justice has been defined and redefined and categorized and typecast over the generations, from an idea to a reality, being distributive or commutative to both, but it has been modernized and fit into systems, from political justice, to social, economic, racial, regional, gender and universal, it has transformed itself and has become transient, so as to

never confine itself into one definition, into one mould, but it always fills up the idea of fairness.

Common Law System is the system followed by UK and its former colonies, it is one of the three major systems that are followed in the world, the other two being the civil law system and the religious law system, Common law principles are in general based on good conscience and equity and justice, and laws are customs, legislations as well as precedents and are known for their complex nature, comparative law suggests that adversarial system of law is that system where judgment is delivered upon hearing both sides of the argument, the jury or the judge does not go fact finding but relies on the arguments of both sides to find the truth.

The Justice Delivery System (JDS) basically involves judges, lawyers, police officers, forensic experts and also executive officers of other wings. In other words, the judicial systems and the administrative systems of justice involve almost all the organs of the government to machinery. It is the team work of all these persons which ultimately contributes towards resolutions of disputes between the parties. It is said that justice should not only be done but it must also be seen to have been done.

Such a standard of perfection can be achieved only if all the organs involved in Justice Delivery System are well equipped with infrastructures, tools and legal and scientific literature. In this regard,

it would be well to bear in mind that such tools of performance, including the literature, undergo changes and even become outdated with the passage of time and need refinement, updating and replacement from time to time.

As a consequence persons operating these tools and manning the different offices connected with Judicial Delivery System also need regular updating of their knowledge to keep pace with new emerging laws, changes in society, innovations in science and technologies and so on. Hence, the need for a continued legal education for the different functionaries concerned with administration of justice.

In India, we follow the federal system of courts, state system of police and jails and there is both central and state level of laws, making it a complex mesh of interrelated and interconnected mechanisms at work all at once, now we add to it the billion people, their numerous court related works and further numerous disputes that are not related to one person or affect the society at a large, and add to it the backlogs, a Delhi high court chief justice quipped, it would take 466 years to clear just the cases of that particular court, and so we have the great jumble that makes up India. This jumble exists even in the justice delivery system and its components.

CONCLUSION

The rule of law cannot exist without an effective judicial system, which is capable of enforcing rights in a timely and proportionate manner in a way that inspires public confidence in the administration of justice. For the law to govern, the system through which it is administered must measure up adequately when mapped against the three dimensions of justice– substantive justice on merits, timeliness in the disposal of cases, and proportionate use of the State's resources.

Access to justice thus, assesses the fulfillment of an individual's entitlement to justice on these parameters to ensure that legal redress does not become the preserve of a few. It represents the ability of every person to enforce the fundamental rights and freedoms guaranteed by law.

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[8] This is actually not a judge/case ratio, but its inverse. It is the case/judge ratio, or the judge load.

[9] All India Judges Association v. Union of India, 2012(4)SCC 247.