

CRIMINAL PROCEDURE

UNIT – III

Trial Process – II

Types of Trial • Judgment • Appeals • Revision • Maintenance

UNIT-III Full Coverage

1. Provisions as to Inquiries & Trials

2. Sessions Trial

3. Warrant Trial

4. Summons Trial

5. Summary Trial

6. Common Features

7. Recording of Evidence

8. Judgment – Contents

9. Judgment – Pronouncement

10. Appeal – Meaning & Scope

11. Appeals in Convictions

12. Appeals in Acquittals

13. Revision

14. Reference

15. Maintenance – Sec 125

16. Interim Maintenance

17. Enforcement of Maintenance

18. Key Cases

19. Exam Strategy

20. Key Takeaways

Overview

Sessions Trial

Offences exclusively triable by Court of Session. More formal. Opens with prosecution evidence after charge.

Warrant Trial

Serious offences before Magistrate. Two modes – on police report and on complaint.

Summons Trial

Less serious offences. Simpler procedure. No formal charge in the same way.

Summary Trial

Petty offences. Very quick. Limited sentence. Record is brief.

Object of Classification

Match procedural complexity with seriousness of offence.

Exam Tip

Prepare a comparison table of the four types – who tries, when used, key steps.

Chapter XVIII

Commitment

Magistrate commits the case to Sessions after compliance with Sec 207/208.

Opening

Prosecutor opens the case by describing the charge and stating evidence.

Discharge

If no sufficient ground, accused may be discharged (Sec 227).

Framing of Charge

If ground exists, charge is framed; accused is asked to plead.

Conviction on Plea

If accused pleads guilty, Court may convict (with caution in serious cases).

Evidence & Defence

Prosecution evidence → cross → defence evidence → arguments → judgment.

Magistrate Level

Warrant – Police Report

Sec 238–243 – compliance with 207, discharge/charge, evidence, defence, judgment.

Warrant – Complaint

Sec 244–247 – similar but starts with complainant's evidence before charge in some situations.

Summons Trial

Sec 251–259 – substance of accusation stated; no formal charge; evidence; judgment.

Conversion

Summons case can be converted to warrant procedure if needed; reverse also possible in limits.

Absence of Complainant

In summons cases, Court may acquit if complainant remains absent (with exceptions).

Exam Tip

Focus on differences in framing of charge and stage of evidence.

Chapter XXI

Who may try

Chief Judicial Magistrate,
Metropolitan Magistrate, and
Magistrates empowered.

Offences

Petty offences listed in Sec 260 –
theft of low value, certain IPC
offences, etc.

Procedure

Abbreviated. No formal charge.
Brief record of substance of
evidence.

Sentence Limit

Generally not more than 3 months
(with some variations).

Judgment

Must record findings and reasons
briefly.

Object

Speedy disposal of petty cases so
that serious cases get more time.

Sections 353–365

Pronouncement

In open court. Must be delivered soon after termination of trial.

Language

Language of the Court.
Translation if accused does not understand.

Contents

Points for determination, decision thereon, reasons. In case of conviction – offence, section, punishment.

Signature

Dated and signed by the presiding officer in open court.

Copy to Accused

Free copy of judgment to accused in certain cases (especially if sentenced to imprisonment).

Importance

Judgment is the final decision.
Appeal is against the judgment.

Chapter XXIX

Meaning

Appeal is a complaint to a superior court of an injustice done by an inferior one. Creation of statute – no inherent right.

Appeal against Conviction

By the convicted person. To Sessions / High Court depending on the Court that tried.

Appeal against Acquittal

By State / complainant in limited cases. High Court has wide power but caution is exercised.

No Appeal in Certain Cases

Petty sentences, plea of guilty (with limits), etc.

Powers of Appellate Court

Confirm, reverse, modify, order retrial, take additional evidence.

Exam Tip

Always state that appeal is a statutory right and mention the hierarchy.

Supervisory Jurisdiction

Revision

High Court / Sessions Judge may call for records to examine correctness, legality or propriety of findings, sentence or order.

Object

Correct jurisdictional errors, serious irregularities, miscarriage of justice.

Limits

Not a second appeal. Not for re-appreciation of evidence as a matter of course.

Reference

Subordinate court may refer a question of law to High Court when it is necessary for disposal of the case.

Difference

Appeal – statutory right of party.
Revision – discretionary power of Court.
Reference – by subordinate court.

Exam Tip

Prepare a clear distinction table:
Appeal / Revision / Reference.

Section 125 CrPC

Section 125 provides a speedy remedy for maintenance of wives, children and parents who are unable to maintain themselves. It is a secular provision and applies irrespective of religion.

Who can Claim

Wife (including divorced wife in certain cases),
legitimate/illegitimate minor child,
major child with disability, parents.

Conditions

Neglect or refusal to maintain;
claimant unable to maintain
himself/herself.

Quantum

Such monthly allowance as the
Magistrate thinks fit. No rigid
upper limit after amendment.

Interim Maintenance

Can be granted during the
pendency of the proceeding.

Enforcement

Warrant for levy of fine amount;
imprisonment for wilful default.

Landmark

Mohd. Ahmed Khan v. Shah Bano
– led to national debate and later
legislation; still important for
secular character of 125.

UNIT-III

01

Four Types of Trial

Sessions, Warrant, Summons, Summary – matched to seriousness.

02

Judgment

Must contain points, decision, reasons; pronounced in open court.

03

Appeal

Statutory right. Hierarchy depends on the trial court.

04

Revision vs Appeal

Revision is discretionary supervisory power; not a second appeal.

05

Maintenance (125)

Speedy secular remedy for wife, children, parents.

06

Key Cases

Shah Bano (maintenance), and standard cases on appeal/revision powers.

End of UNIT – III

Trial Process – II • Judgment • Appeals • Maintenance

20+ Slides Expanded Edition