

CRIMINAL PROCEDURE

UNIT – IV

Miscellaneous Provisions

Transfer • Execution of Sentence • Property • Limitation • Plea Bargaining

UNIT-IV Full Coverage

1. Transfer of Cases

2. Grounds for Transfer

3. Who can Transfer

4. Execution of Sentences

5. Suspension of Sentence

6. Remission

7. Commutation

8. Disposal of Property

9. Order under Sec 452/457

10. Irregular Proceedings

11. Effect of Irregularity

12. Limitation for Cognizance

13. Sec 468–473

14. Compounding of Offences

15. Plea Bargaining

16. Procedure for Plea Bargaining

17. Benefits & Limits

18. Key Cases

19. Exam Strategy

20. Key Takeaways

Sections 406–411

Object

Secure fair trial, convenience of parties, ends of justice.

Supreme Court

Sec 406 – transfer from one High Court to another or from one criminal court to another.

High Court

Sec 407 – transfer within the State.

Sessions Judge

Sec 408 – transfer within the Sessions Division.

Grounds

Reasonable apprehension of bias, convenience of witnesses, political sensitivity, etc.

Test

Whether a fair-minded person would reasonably apprehend that a fair trial is not possible.

Sentencing Stage

Execution

Carrying out the sentence – imprisonment, fine, death (after confirmation).

Suspension

Temporary postponement of execution of sentence (e.g., pending appeal).

Remission

Reduction of the amount of sentence without changing its character (e.g., days remitted for good behaviour).

Commutation

Substitution of a lighter form of sentence (death → life; rigorous → simple).

Constitutional Power

Art. 72 (President) and Art. 161 (Governor) – mercy jurisdiction.

Statutory Power

CrPC provisions on suspension/remission by appropriate government.

Sections 451–459

During Trial

Sec 451 – Court may order custody and disposal of property pending trial.

After Trial

Sec 452 – order for disposal on conclusion of trial – delivery, confiscation, destruction.

Police Custody

Sec 457 – procedure when property is seized by police and no trial is pending.

Perishable Property

Immediate sale and deposit of proceeds possible.

Object

Protect property rights while ensuring evidence is preserved when needed.

Exam Tip

Distinguish interim custody (451) and final disposal (452).

Sections 460–466

Curable Irregularities

Sec 460 – certain irregularities do not vitiate proceedings if no failure of justice.

Incurable

Sec 461 – listed irregularities that vitiate the proceedings (e.g., trying a case without jurisdiction).

Effect

Even if irregularity is curable, Court examines whether accused was prejudiced.

Object

Prevent technicalities from defeating justice while protecting against serious jurisdictional errors.

Practical Approach

Courts lean towards substance over form unless prejudice is shown.

Exam Tip

Prepare list of examples under 460 and 461.

Sections 468–473

Object

Prevent stale prosecutions;
ensure evidence remains fresh.

Periods

6 months / 1 year / 3 years
depending on the maximum
punishment prescribed.

Starting Point

Date of offence; or when offence
becomes known; or when offender
is known (in certain cases).

Exclusion

Time during which the accused
was absconding, or prosecution
was stayed, etc.

Extension

Sec 473 – Court may take
cognizance after limitation if it is
necessary in the interest of
justice.

Exam Tip

Always state the periods and the
power under 473.

Section 320

Meaning

Settlement between victim and accused leading to acquittal. Available only for offences listed in Sec 320.

Compoundable with Permission

Some offences require Court's permission to compound.

Compoundable without Permission

Certain minor offences can be compounded freely.

Effect

Composition amounts to acquittal of the accused.

Stage

Can be done at any stage before the final order is passed (with limits).

Object

Encourage harmony and reduce burden of minor cases on courts.

Chapter XXIA

Plea bargaining is a process in which the accused agrees to plead guilty in exchange for a concession – usually a lesser sentence or a charge of a lesser offence. Introduced to reduce pendency and give quicker closure.

Applicability

Offences other than those punishable with death or life imprisonment, and certain socio-economic offences excluded.

Who can Apply

Accused may file application after charge but before judgment.

Guidelines

Voluntary nature must be ensured. Court examines the agreement.

Outcome

Court may award sentence as per agreement or a lesser sentence within the framework.

Benefits

Faster disposal, reduced uncertainty, some relief to accused, victim compensation possible.

Criticism

Risk of coercion; may undermine deterrence if not carefully applied.

UNIT-IV

01

Transfer

Fair trial and convenience – SC, HC, Sessions have powers.

02

Sentence

Execution, suspension, remission, commutation – distinct concepts.

03

Property

Interim custody vs final disposal – Sec 451 / 452.

04

Irregularities

Some curable (460), some vitiate (461). Prejudice is the test.

05

Limitation

Sec 468 periods + power to extend under 473.

06

Compounding & Plea Bargaining

Tools for settlement and faster disposal of appropriate cases.

End of UNIT – IV

Miscellaneous • Transfer • Sentence • Plea Bargaining

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