

Important Laws in India :

- (i) **IPC (Indian Penal Code) (1860)** - Comprehensive code that deals with substantive criminal law of India.
 - Defines various offenses and prescribes code for punishment in court of law.
 - Total section - 511
- (ii) **CrPC (Criminal Procedure Code) (1973)** - Deals with procedure of investigation and the mechanism for punishment of offences against the substantive criminal law.
 - Procedures (Investigation, Arrest, Court Proceedings / Judgement)
 - Total Section - 484
- (iii) **IEA (Indian Evidence Act) (1872)** - Relates to evidence on which the court come to conclusion regarding facts of cases.
 - Evidences & Witness
 - Total Section - 167

* Evidence : Oral or Documented evidence

- Oral evidence is better as there is chance of cross examination.

* Witness : Three types -

(a) Eye / Direct / Common Witness (Most Common)

(b) Hearsay witness (Hearing & saying something not valid in court)

(Except in (i) Dying declaration (IEA 32)

(ii) Res Gestae - Involuntary exclamation at heat of moment.
(IEA 6)

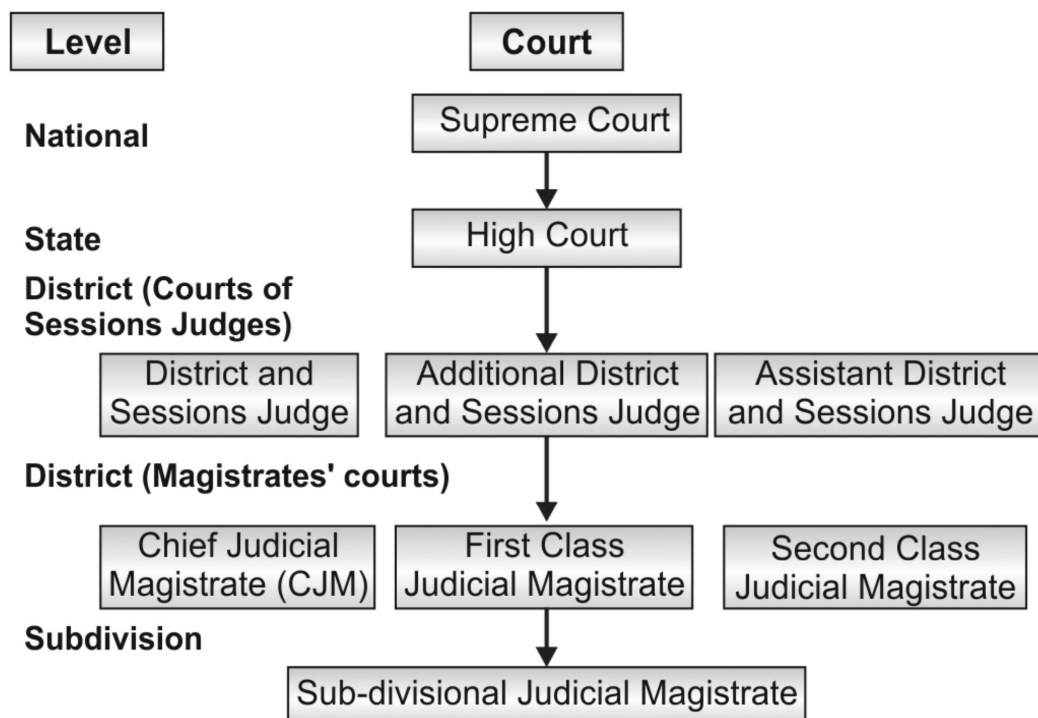
(c) Expert Witness - IEA 45, a qualified person who gives an opinion, as Doctor, fingerprint expert, firearm expert etc.

Types of Court :

	<u>Max. Punishment</u>	<u>Max Fine</u>
(i) Supreme court (Biggest Court in India)	Death Sentence	Unlimited
(ii) High Court (Biggest in State)	Death Sentence	Unlimited
(iii) Session Court (Biggest in District)	Death Sentence	Unlimited
(iv) Additional Session Court	Death Sentence	Unlimited
(v) Assistant Session Court	10 years	Unlimited
(vi) Chief Judicial Magistrate Court	7 years	Unlimited

(vii) First class Magistrate Court	3 years	Rs 10,000
(viii) Second class Magistrate Court	1 year	Rs 5,000

- * In Metro cities, there is Metropolitan magistrate instead of Judicial Magistrate.
- * Every death sentence by Session Court is to be confirmed by High Court.
- * Death Sentence given to a pregnant lady is postponed by High Court till her delivery (Sec 416 CrPC)



Juvenile Court : For <18 yrs old

Members = 1 First class female Judicial Magistrate
2 social workers (One should be Female)

Cases:

(i) Civil



- Cases b/w 2 parties
 - Plaintiff Vs. Defendant
- ↑
Person who files the case

(ii) Criminal



- Crime done against the state
- State vs Accused.

Inquest

- An inquest is an inquiry or investigation into the cause of death where death is apparently not due to natural causes.
- It is done in cases of :
 - (i) Sudden death
 - (ii) Suicide, homicide & infanticide
 - (iii) Death from accident, poisoning, drug mishap or machinery.
 - (iv) Unexplained death
 - (v) Death under Anesthesia / Operation table / Post operative shock
 - (vi) Death due to medical negligence
 - (vii) Death of Convict in jail / police custody / mental hospital
 - (viii) Dowry deaths
 - (ix) Due to industrial disease.

Types of Inquest:

→ aka PANCHNAMA

- (i) Police inquest (most common) (Sec 174 CrPC)
- (ii) Magistrate inquest. (Sec 176 CrPC)
- (iii) Coroner's Inquest (No longer used in India)
- (iv) Medical examiner system inquest (Not used in India)

S.No.	Feature	Magistrate inquest	Police inquest
1.	Investigating officer	Inquest conducted by DM, SDM, and Magistrate who is qualified and experienced	Conducted by police officer who is not qualified in law or medicine
2.	Informing magistrate	Need not inform anyone	Needs to inform the magistrate of the area
3.	Types of cases handled	Can hold inquest in all cases of suspicious deaths	Cannot hold inquest in cases of death in custody, jail, police firing or dowry deaths
4.	Witnesses	Police helps the magistrate. Does not require signature of the witnesses	<i>Panchas</i> help, who are chosen at random to sign the report
5.	Warrant for arrest	Can issue arrest warrant of the accused	Cannot issue warrant, but can arrest an accused in cognizable offence
6.	Exhumation	Can order a body to be exhumed	Cannot order
7.	Autopsy	Does not send dead bodies for autopsy indiscriminately	Sends dead bodies for autopsy indiscriminately
8.	Analysis of viscera	Can order chemical analysis of viscera	Cannot order
9.	Quality of investigation	Superior to police inquest	Inferior to magistrate inquest

Indications for Magistrate inquest⁷

- i. Deaths due to police firing.
- ii. Disappearance or death of a person in police custody or during police interrogation.⁸
- iii. Death of a convict in jail.
- iv. Exhumation cases (where the body is dug out of a grave).
- v. Rape alleged to have been committed on any woman in the custody of the police.
- vi. Dowry deaths (suicide/death of a woman within 7 years of marriage).⁹
- vii. Admission of a mentally ill person in a psychiatric hospital under certain provisions of Mental Health Act, 1987.



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