

CRIMINAL LAW -II**BHARATIYA NAGARIK SURAKSHA SANHITA, 2023****JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015****& THE PROBATION OF OFFENDERS ACT, 1958****OBJECTIVES:**

Transition from Code of Criminal Procedure to Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS 2023) is the result of shifted attention from penalty to nyaya. The primary objective of this course is to familiarize the students with the basic procedure relating to investigation and trial of offences along with the procedure of rendering judgments. The students are also expected to appreciate role of technology in different criminal provisions and the importance of time bound remedies.

Unit I: Introduction

Meaning and importance of criminal procedure; Background and salient features of Bharatiya Nagarik Suraksha Sanhita including its Constitutional dimensions; Definitions and classification of offences- Bail, Bail bond, Bond, Audio-Video Electronic Means, Victim, Investigation; Replaced provisions relating to Organisation, Functions, Duties and Powers of Courts, prosecution and Police under BNSS.

Initiation of criminal case- First Information Report, Zero FIR, Investigation powers, Preliminary Inquiry, Complaint; Arrest-Concept, procedure and safeguards, Proclamation, Information regarding arrested persons, Handcuffing.

Unit II: Pre -Trial Process and Commencement of Proceedings

1. Magisterial power to take cognizance and timelines to complete the proceedings;
2. Dismissal of complaints;
3. Commencement of proceedings;
4. Framing of Charge and joinder of charges;
5. Process to compel appearance and production of things- Use of electronic means, securing presence of successor;
6. Preliminary pleas under the Sanhita- Plea of guilt, limitation for taking cognizance of offences;
7. Provisions as to Bail and Bonds.

Unit III – Trial Process

1. Trial before Court of Sessions;
2. Trial of Warrant and Summons cases by Magistrates;
3. Summary Trials – Significance;
4. Evidence and General Provisions as to inquiries and trials;
5. Compounding of offences and Plea bargaining;
6. Concurrent and consecutive running of Sentences;
7. Appeals, Revision and Reference;
8. Security for keeping peace and good behavior;
9. Maintenance – Alteration and Enforcement.

Unit IV: Miscellaneous Procedure

1. Judgment;
2. Transfer of cases;
3. Execution, suspension, remission and commutation of Sentences and Mercy petitions;
4. Disposal of property- photography, videography and time bound release;
5. Preventive action of PSolice;
6. Irregular proceedings;
7. Protection of Victims- Compensation and Treatment.

Unit V: Juvenile Justice and Probation of Offenders

1. *The Juvenile Justice (Care and Protection of Children) Act, 2015*-Salient features, the Juvenile Justice Board –Composition, Powers and Functions; Procedure relating to Children in conflict with Law, Children in need of Care and Protection and their rehabilitation, Child Welfare Committee.
2. *The Probation of Offenders Act, 1958*-Salient features, Power of Court to release certain offenders on probation/ good conduct; Power of Courts to require released offenders to pay compensation and cost; Appeal and Revision.

Prescribed Books:

1. Ratanlal and Dhirajlal's, Bharatiya Nagarik Suraksha Sanhita, Lexis Nexis,(the latest edition comprising the BNSS, 2023)
2. K.N. Chandrashekar Pillai (Revd.), R V Kelkar's Criminal Procedure (Recent Edition), Eastern Book Publication.

Reference Books

1. Bare Act –*Bharatiya Nagarik Suraksha Sanhita, 2023.*
2. K.N. Chandrashekar Pillai (Revd.), R V Kelkar's Lectures on Criminal Procedure (Recent Edition), Eastern Book Publication.
3. Bare Acts -*The Juvenile Justice (Care and Protection) Act, 2015 &The Probation of Offenders Act, 1958.*
4. M.P. Tandon, Criminal Procedure Code, Central Law Agency (latest edition)
5. S C Sarkar, PC Sarkar and Sudipto Sarkar, Sarkar: The Code of Criminal Procedure (Recent Edition), LexisNexis.
6. Ratanlal and Dhirajlal's, The Code of Criminal Procedure, 1973, Lexis Nexis,(Recent Edition).
7. J.K.Verma, Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure): A Commentary, Eastern Book Publication.

Important Note

- The teachers and students have to refer the provisions as amended upto date referring the latest editions of books on the subject.