
PLEA BARGAINING AND SIMILAR LEGAL PROVISIONS IN INDIAN CRIMINAL JUSTICE SYSTEM - A CRITICAL STUDY

Dr. N. Sudalai Muthu, Vice Principal in GTN Law College, Dindigul

D. M. Salai Siva Keerthana, Assistant Professor in GTN Law College, Dindigul

S. Sindhuja, Assistant Professor in GTN Law College, Dindigul

ABSTRACT

Plea bargaining represents an important procedural mechanism intended to promote the expeditious disposal of criminal cases by permitting an accused person, subject to statutory safeguards, to seek a negotiated resolution. In India, the concept initially received statutory recognition through the insertion of Chapter XXI-A into the Criminal Procedure Code, 1973, by the Criminal Procedure Code (Amendment) Act, 2005. The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 has continued this mechanism under Chapter XXIII, thereby placing plea bargaining within the contemporary framework of the Indian criminal justice system. The process seeks to address persistent concerns relating to judicial delay, case backlog and prolonged criminal trials while simultaneously requiring the protection of the accused against coercion and unfair inducement. However, the practical operation of plea bargaining raises significant legal and constitutional questions concerning voluntariness, informed consent, effective legal representation, victim participation and the possibility of unequal bargaining power. Its application is also subject to statutory limitations, particularly in relation to the nature and seriousness of offences. This study critically examines the evolution and existing legal framework of plea bargaining in India, with particular emphasis on the transition from the CrPC, 1973 to the BNSS, 2023. It analyses the statutory provisions, judicial approach and constitutional dimensions associated with the mechanism and evaluates the challenges affecting its effective implementation. Plea bargaining can contribute to a more efficient criminal justice system only when procedural safeguards, judicial supervision, legal aid and informed participation are adequately strengthened. A balanced approach is therefore necessary to ensure that the objective of speedy disposal does not compromise the principles of fairness, voluntariness and justice.

Keywords: Plea Bargaining; Bharatiya Nagarik Suraksha Sanhita, 2023; Criminal Justice System; Fair Trial; Speedy Justice.

INTRODUCTION

The Indian criminal justice system has long faced persistent challenges arising from judicial delay, increasing case pendency, prolonged trials and the continued burden placed upon courts, accused persons, victims and other participants in the justice process. In this context, plea bargaining has emerged as an important alternative procedural mechanism intended to facilitate the expeditious resolution of certain criminal cases without requiring every matter to proceed through a complete trial. Broadly understood, plea bargaining enables an accused person to voluntarily seek a negotiated resolution in accordance with the procedure and safeguards prescribed by law. Although the practice was initially viewed with considerable judicial caution in India, it received statutory recognition through the insertion of Chapter XXI-A into the Criminal Procedure Code, 1973 by the Criminal Procedure Code (Amendment) Act, 2005. With the replacement of the CrPC framework by the Bharatiya Nagarik Suraksha Sanhita, 2023, plea bargaining continues to occupy an important position within the contemporary criminal procedure regime under Chapter XXIII. The mechanism reflects an attempt to reconcile two significant objectives of criminal justice: the need for speedy disposal of cases and the obligation to ensure fairness, voluntariness and protection of individual rights. However, plea bargaining is not free from controversy. Concerns remain regarding the possibility of coercion, unequal bargaining power, inadequate legal representation, uninformed decisions by accused persons and the risk that economically or socially disadvantaged individuals may accept an outcome merely to avoid prolonged detention or uncertainty. The process also raises important constitutional questions relating to fair procedure under Article 21 of the Constitution of India and the protection against compelled self-incrimination under Article 20(3). The role of the judiciary is therefore crucial in ensuring that any plea is genuinely voluntary and that the statutory procedure is not transformed into a mechanism for administrative convenience at the expense of justice. Against this background, the present study critically examines the concept, evolution and legal framework of plea bargaining in India, with particular emphasis on its development from the CrPC, 1973 to the BNSS, 2023. It analyses the statutory provisions, judicial approach, constitutional implications and practical challenges surrounding its implementation and evaluates whether plea bargaining can effectively contribute to a more efficient criminal justice system while preserving the fundamental principles of fairness and due process.

CONCEPTUAL FRAMEWORK AND EVOLUTION OF PLEA BARGAINING

Plea bargaining is a significant procedural mechanism within modern criminal justice systems,

developed primarily to provide an alternative to lengthy and resource-intensive criminal trials. Its underlying idea is that, in legally permissible cases, an accused may voluntarily seek a negotiated resolution under judicial supervision and in accordance with statutory safeguards. The mechanism must, however, be distinguished from an informal compromise between the prosecution and the accused. In India, plea bargaining is a structured legal process governed by statutory provisions and subject to the satisfaction of the court regarding voluntariness. Its development reflects the growing need to balance the constitutional demand for speedy justice with the equally important requirements of fair procedure, informed consent and protection against coercion.

2.1 Meaning and Nature of Plea Bargaining

Plea bargaining generally refers to a process through which an accused person agrees to accept responsibility or seek a mutually satisfactory disposition of a criminal case in accordance with the procedure prescribed by law. Under the earlier framework, it was governed by **Chapter XXI-A of the Criminal Procedure Code, 1973**¹, while the present framework is contained in **Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**². The nature of Indian plea bargaining differs from an unrestricted system of charge or sentence negotiation. The court retains an active supervisory role and must ensure that the application has been made voluntarily. In *State of Gujarat v. Natwar Harchandji Thakor*³, the Gujarat High Court recognised the importance of exploring lawful mechanisms capable of reducing unnecessary delay and pendency, while emphasising that procedural fairness cannot be sacrificed for administrative convenience.

2.2 Historical Development of Plea Bargaining

The modern practice of plea bargaining developed most prominently in the United States, where negotiated guilty pleas became an important feature of criminal case disposal. In India, however, the judiciary initially adopted a cautious and largely disapproving approach. In *Murlidhar Meghraj Loya v. State of Maharashtra*⁴, the Supreme Court criticised arrangements that appeared to encourage an accused to plead guilty in exchange for a reduced sentence. A similar approach

¹ Chapter XXI-A of the Criminal Procedure Code, 1973 <https://share.google/adV9AQF5ZQUB8fH3A>

² Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)
<https://share.google/cZMw0MsdYN5AAG20x>

³ *State of Gujarat v. Natwar Harchandji Thakor*, (2005) 1 GLR 709

⁴ *Murlidhar Meghraj Loya v. State of Maharashtra*, (1976) 3 SCC 684

was reflected in *Kasambhai Abdulrehmanbhai Sheikh v. State of Gujarat*⁵, where the Court expressed concern that plea negotiations could undermine fairness and result in unequal treatment of accused persons. Despite this early resistance, the growing burden of criminal litigation led to reconsideration. Statutory recognition was eventually introduced through the **Criminal Procedure Code (Amendment) Act, 2005**, inserting Chapter XXI-A into the CrPC⁶. The mechanism has subsequently been retained under **Sections 289–299 of the BNSS, 2023**, demonstrating its continuing relevance within the reformed criminal procedure framework⁷.

2.3 Types of Plea Bargaining

Comparative criminal justice literature generally identifies forms such as **charge bargaining**, **sentence bargaining** and **fact bargaining**. Charge bargaining involves an agreement concerning the nature or number of charges, while sentence bargaining concerns the punishment that may follow a plea. Fact bargaining involves agreement regarding particular factual issues relevant to criminal liability or sentencing. The Indian model does not adopt these categories in the same unrestricted manner. Instead, it provides a statutory procedure for a **mutually satisfactory disposition** involving the accused, prosecution and, where applicable, the victim, subject to judicial supervision. Therefore, the Indian system is more accurately understood as a regulated and court-supervised form of negotiated criminal disposition.

2.4 Objectives and Rationale of Plea Bargaining

The principal objective of plea bargaining is to reduce avoidable delay and facilitate the efficient disposal of eligible criminal cases. It may reduce the burden of prolonged trials, repeated adjournments and extensive expenditure of judicial resources. It can also provide an accused with procedural certainty and, in appropriate cases, enable victims to receive compensation through a mutually satisfactory disposition. However, efficiency alone cannot justify the process. In *Babu Singh v. State of Uttar Pradesh*⁸, the Supreme Court held that the criminal justice process must remain connected with the realities of personal liberty and justice. Accordingly, plea bargaining must operate as a mechanism for fair and lawful case resolution rather than merely as a method for reducing court statistics.

⁵ *Kasambhai Abdulrehmanbhai Sheikh v. State of Gujarat*, (1980) 3 SCC 120

⁶ Criminal Procedure Code (Amendment) Act, 2005 <https://share.google/UsAfvdEOGSX5rihs7>

⁷ Sections 289–299 of the BNSS, 2023 <https://share.google/Rb0eTN5UvCuJoejuU>

⁸ *Babu Singh v. State of Uttar Pradesh*, (1978) 1 SCC 579

2.5 Plea Bargaining and the Concept of Speedy Justice

The relationship between plea bargaining and speedy justice is closely connected with **Article 21 of the Constitution of India**⁹, which guarantees life and personal liberty according to a fair, just and reasonable procedure. In *Hussainara Khatoon (I) v. Home Secretary, State of Bihar*¹⁰, the Supreme Court recognised speedy trial as an essential component of Article 21. Plea bargaining may assist in achieving this objective by avoiding unnecessary continuation of trials in cases where a legally valid and voluntary resolution is possible. Nevertheless, speedy disposal cannot become an independent justification for pressuring an accused into accepting guilt. The legitimacy of plea bargaining depends upon informed participation, access to legal assistance and meaningful judicial scrutiny.

2.6 Distinction between Plea Bargaining, Compounding and Pleading Guilty

Plea bargaining, compounding and pleading guilty are distinct mechanisms for resolving criminal proceedings. **Compounding of offences**, governed by **Section 359 of the BNSS, 2023**, permits specified offences to be settled by persons authorised under law and is available only where the statute expressly permits compounding. A **plea of guilty** is a direct admission of the offence before the court and does not necessarily involve negotiation. **Plea bargaining**, governed by **Sections 289–300 BNSS, 2023**, involves a structured process initiated by the accused, verification of voluntariness and negotiation towards a mutually satisfactory disposition. The Supreme Court in *Thippaswamy v. State of Karnataka*¹¹, cautioned against inducing an accused to plead guilty through promises of leniency. Thus, although these mechanisms may facilitate speedy disposal, they differ fundamentally in their legal basis, procedure, purpose and safeguards.

EVOLUTION OF PLEA BARGAINING IN INDIA

The evolution of plea bargaining in India reflects a gradual transformation from judicial suspicion towards a regulated statutory mechanism. Unlike jurisdictions where negotiated guilty pleas developed primarily through prosecutorial practice, the Indian criminal justice system initially viewed plea bargaining as potentially inconsistent with fairness and the voluntary administration of justice. Over time, however, increasing case pendency, prolonged trials and the difficulties

⁹ Article 21 of the Constitution of India <https://share.google/8xnDNTFdXr9QqJTha>

¹⁰ *Hussainara Khatoon (I) v. Home Secretary, State of Bihar*, (1980) 1 SCC 81

¹¹ *Thippaswamy v. State of Karnataka*, (1983) 1 SCC 194

faced by undertrial prisoners created a strong policy justification for alternative methods of criminal case disposal. The Law Commission of India played an important role in this transition, particularly through its 142nd Report and later recommendations supporting a carefully regulated framework¹². The process ultimately received statutory recognition through the Criminal Procedure Code (Amendment) Act, 2005, which inserted Chapter XXI-A into the Criminal Procedure Code, 1973. The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 has retained the mechanism under Chapter XXIII, demonstrating its continued place within contemporary Indian criminal procedure.

3.1 Traditional Indian Approach towards Plea Bargaining

Traditionally, the Indian criminal justice system was based on the assumption that criminal liability should ordinarily be determined through investigation, prosecution, trial and judicial adjudication. Informal arrangements by which an accused agreed to plead guilty in anticipation of a reduced sentence were viewed with caution because they could compromise voluntariness and encourage unequal treatment. The earlier approach was therefore strongly influenced by the concern that an accused facing prolonged detention or uncertainty might admit guilt merely to secure an immediate benefit. In *Kachhia Patel Shantilal Koderlal v. State of Gujarat*¹³, the Supreme Court disapproved of the practice of plea bargaining and stressed that criminal justice should not be reduced to a process of negotiating punishment. This position reflected the traditional emphasis on a judicial determination of guilt rather than an outcome based upon bargaining.

3.2 Judicial Attitude before Statutory Recognition

Before the formal introduction of plea bargaining, Indian courts generally regarded negotiated guilty pleas as inconsistent with the proper administration of criminal justice. Judicial concern centred on the possibility of inducement, coercion and the denial of a genuine opportunity for trial. In *State of Uttar Pradesh v. Chandrika*¹⁴, the Supreme Court clearly held that the concept of plea bargaining was not recognised under the criminal law then in force and that a sentence could not be imposed merely because an accused offered to plead guilty in exchange for leniency. The decision represented the restrictive judicial position immediately before legislative reform.

¹² 142nd Report <https://share.google/MwmOTa0mhniN7QlfJ>

¹³ *Kachhia Patel Shantilal Koderlal v. State of Gujarat*, (1980) 4 SCC 390

¹⁴ *State of Uttar Pradesh v. Chandrika*, (2000) 2 SCC 600

At the same time, the increasing backlog of criminal cases demonstrated the limitations of a purely trial-oriented system, creating the need for a carefully regulated statutory alternative.

3.3 Criminal Procedure Code (Amendment) Act, 2005

A significant change occurred through the **Criminal Procedure Code (Amendment) Act, 2005**, which gave statutory recognition to plea bargaining by inserting **Chapter XXI-A** into the Criminal Procedure Code, 1973. The legislative reform reflected an attempt to address delays in criminal trials while preserving judicial supervision and procedural safeguards. The amendment did not introduce an unrestricted American-style bargaining system. Instead, it created a structured process initiated by the accused and supervised by the court. The framework also imposed limitations based on the nature of the offence and excluded specified serious categories from its operation. This legislative development was consistent with the broader recommendations that plea bargaining should operate as a controlled mechanism rather than as a private negotiation between the prosecution and the accused. The Law Commission's recommendations had specifically supported the incorporation of a separate statutory chapter dealing with plea bargaining.

3.4 Introduction of Chapter XXI-A under the Criminal Procedure Code, 1973

Chapter XXI-A, comprising **Sections 265A to 265L**, established the first comprehensive statutory procedure for plea bargaining in India. It dealt with the application of the chapter, the procedure for making an application, the process for reaching a mutually satisfactory disposition, disposal of the case, finality of judgment and the protection of statements made by the accused during the process. A central safeguard was the requirement that the court satisfy itself regarding the voluntary nature of the application. The framework also sought to recognise victim interests by permitting compensation as part of the mutually satisfactory disposition in appropriate cases. The statutory structure therefore represented a clear departure from the earlier judicial rejection of informal bargaining and replaced it with a legally regulated procedure.

3.5 Law Commission and Committee Recommendations

The movement towards statutory recognition was strongly influenced by law reform initiatives. The **Law Commission of India's 142nd Report (1991)**¹⁵ examined concessional treatment for

¹⁵ Supra 14

offenders who voluntarily chose to plead guilty and considered the problem of delays in criminal adjudication. It recognised that prolonged proceedings could impose serious personal and social costs, particularly upon undertrial prisoners. Later recommendations on criminal procedure supported the introduction of plea bargaining as an experimental and regulated measure for appropriate categories of offences, while recommending exclusions for habitual offenders and serious offences involving wider social concerns, women and children. These recommendations also emphasised procedural safeguards and judicial involvement. The proposed reform was therefore not based solely on efficiency; it sought to balance expeditious disposal with fairness and the protection of individual rights.

3.6 Transition from CrPC, 1973 to BNSS, 2023

The replacement of the CrPC, 1973 by the **Bharatiya Nagarik Suraksha Sanhita, 2023**, which came into force on **1 July 2024**, did not eliminate plea bargaining from Indian criminal procedure. Instead, the mechanism was retained under **Chapter XXIII**, comprising **Sections 289 to 300**. These provisions address the application of the chapter, applications for plea bargaining, mutually satisfactory disposition, disposal of the case, judgment, finality, powers of the court, set-off of detention, savings and protection against the use of statements made by the accused for other purposes. Section 299, for example, protects statements or facts stated in an application for plea bargaining from being used for other purposes except those connected with the chapter, while Section 300 excludes juveniles and children covered by the Juvenile Justice framework. The transition therefore demonstrates legislative continuity rather than abandonment: the basic objective of providing a structured alternative to prolonged criminal trials has been retained, while the mechanism now operates within India's current criminal procedure legislation.

EXISTING LEGAL FRAMEWORK GOVERNING PLEA BARGAINING UNDER BNSS, 2023

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) retains plea bargaining as a statutory mechanism for the negotiated resolution of specified criminal cases. By incorporating the procedure in Chapter XXIII, comprising Sections 289 to 299, the BNSS¹⁶ continues the approach earlier adopted under Chapter XXI-A of the Code of Criminal Procedure, 1973. The framework seeks to balance expeditious disposal with procedural fairness by requiring an application from

¹⁶ Supra 7

the accused, judicial verification of voluntariness and a structured process for arriving at a mutually satisfactory disposition. Unlike an unrestricted system of private negotiation, the Indian model places the court at the centre of the process and provides statutory safeguards concerning the nature of eligible offences, participation of affected parties and the consequences of a successful disposition.

4.1 Plea Bargaining under Chapter XXIII of BNSS, 2023

Chapter XXIII provides the present statutory basis for plea bargaining in India. The scheme regulates the process from its initial application to the final judgment and also protects statements made by the accused during the proceedings. The mechanism is based on the principle that certain criminal cases may be resolved without a full trial where the accused voluntarily seeks such a procedure and the statutory requirements are fulfilled. The judicial role remains important because the court must ensure that the application is voluntary and not the result of coercion, threat or improper inducement. This reflects the broader requirement of fair procedure under **Article 21 of the Constitution of India**¹⁷. In *Maneka Gandhi v. Union of India*¹⁸, the Supreme Court established that any procedure affecting personal liberty must be just, fair and reasonable. Although the case did not concern plea bargaining directly, its constitutional principle provides an important basis for evaluating the fairness of criminal procedures involving an accused person's decision to waive a full trial.

4.2 Application and Scope under Section 289

Section 289 of the BNSS, 2023 defines the application of the plea bargaining chapter and identifies the categories of cases in which the mechanism may be invoked. Plea bargaining is available in cases involving offences for which the punishment does not exceed the statutory threshold prescribed by the provision, as well as certain cases where the Magistrate has taken cognizance on a complaint. However, the provision excludes serious categories of offences, including offences affecting the socio-economic condition of the country, offences committed against women and offences committed against children below the prescribed age. These exclusions demonstrate that plea bargaining is not intended to apply indiscriminately. The statutory framework attempts to reserve negotiated resolution for cases in which such a process

¹⁷ Article 21 of the Constitution of India <https://share.google/8xnDNTFdXr9QqJTha>

¹⁸ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

can operate without undermining wider public interest or the seriousness of the alleged offence.

4.3 Application for Plea Bargaining under Section 290

Under **Section 290**, the process is initiated through an application made by the accused to the court in which the offence is pending. The application must contain the relevant particulars of the case and must be accompanied by an affidavit declaring that the accused is voluntarily seeking plea bargaining, understands the nature and extent of the possible punishment and has not previously been convicted for the same offence. The court is required to examine the accused privately and satisfy itself that the application has been made voluntarily. Where the court is satisfied that the request is voluntary, it facilitates the process for reaching a mutually satisfactory disposition. If voluntariness is not established, the case proceeds according to the ordinary criminal procedure. This safeguard is crucial because an accused should not be compelled to surrender the right to a regular trial merely because of pressure, prolonged detention or unequal bargaining power¹⁹.

4.4 Guidelines for Mutually Satisfactory Disposition under Section 291

Section 291 establishes the procedure for working out a mutually satisfactory disposition. In cases instituted on a police report, the court may issue notice to the Public Prosecutor, investigating officer, accused and victim to participate in the process. In complaint cases, the complainant and accused are involved. The provision allows the parties to consider an appropriate resolution, including compensation to the victim where applicable. Importantly, the process must be conducted in a manner that preserves voluntariness and avoids coercive influence. The statutory emphasis on victim participation distinguishes the Indian model from a purely prosecution-oriented bargaining process and introduces elements of restorative justice²⁰.

4.5 Report and Disposal of the Case under Sections 292 and 293

Once a mutually satisfactory disposition is reached, **Section 292** requires the court to prepare a report recording the outcome of the process. The report must be signed by the participants and the presiding officer. Where no settlement is reached, the court records that position and the case continues from the stage at which the plea bargaining application was made. **Section 293** then

¹⁹ Plea Bargaining under Section 290 <https://share.google/b5S7UIUzmp9op3BAh>

²⁰ Guidelines for Mutually Satisfactory Disposition under Section 291 <https://share.google/b5S7UIUzmp9op3BAh>

provides for the disposal of the case where a satisfactory disposition has been achieved. The court may award compensation to the victim in accordance with the settlement and thereafter determine the appropriate sentence within the statutory framework. Thus, the process does not merely result in a private agreement; the final outcome remains subject to judicial determination²¹.

4.6 Judgment and Finality under Sections 294 and 295²²

Under **Section 294**, the court delivers its judgment in accordance with the procedure applicable to plea bargaining. The provision enables the court to impose the sentence prescribed by law, while permitting concessional treatment in appropriate circumstances as provided within the statutory scheme. **Section 295** gives finality to the judgment delivered under the plea bargaining chapter and restricts ordinary appeals, subject to constitutional remedies such as proceedings under **Articles 136 and 226/227 of the Constitution of India**²³. The principle of finality is intended to ensure that plea bargaining genuinely contributes to the timely conclusion of criminal proceedings. However, constitutional oversight remains available to address serious procedural illegality or injustice.

4.7 Powers of the Court and Set-Off of Detention under Sections 296 and 297

Section 296 deals with the powers of the court in relation to plea bargaining proceedings and enables it to exercise the powers necessary to implement the statutory process. The provision reinforces the supervisory character of the court and ensures that the process remains legally controlled rather than privately negotiated. **Section 297** provides for the set-off of the period of detention already undergone by the accused against the sentence ultimately imposed. This reflects the broader criminal justice principle that pre-conviction detention should receive appropriate recognition when determining the period of imprisonment. In *Bhagirath v. Delhi Administration*²⁴, the Supreme Court interpreted the principle of set-off in criminal sentencing broadly to ensure that the benefit of detention already undergone is not unfairly denied²⁵.

²¹ Report and Disposal of the Case under Sections 292 and 293 <https://share.google/cZMw0MsdYN5AAG20x>

²² Judgment and Finality under Sections 294 and 295 <https://share.google/cZMw0MsdYN5AAG20x>

²³ Articles 136 and 226/227 of the Constitution of India <https://share.google/8xnDNTFdXr9QqJTha>

²⁴ *Bhagirath v. Delhi Administration*, (1985) 2 SCC 580

²⁵ Powers of the Court and Set-Off of Detention under Sections 296 and 297
<https://share.google/cZMw0MsdYN5AAG20x>

4.8 Protection of Statements and Other Safeguards under Sections 298 and 299

Section 298 preserves the general application of the criminal procedure law except where specifically modified by the plea bargaining provisions, ensuring that the chapter operates as part of the broader procedural framework. **Section 299** provides an important evidentiary safeguard by protecting statements or facts stated by an accused in an application for plea bargaining from being used for purposes other than those connected with the plea bargaining process. This protection encourages genuine participation by ensuring that an unsuccessful attempt at negotiated disposition does not automatically prejudice the accused during subsequent proceedings²⁶. The safeguard also reflects the constitutional concern surrounding compelled self-incrimination under **Article 20(3)**²⁷. In *Nandini Satpathy v. P.L. Dani*²⁸, the Supreme Court adopted a broad understanding of the protection against compelled self-incrimination, reinforcing the principle that criminal procedure must not obtain incriminating material through compulsion.

4.9 Offences Excluded from Plea Bargaining

The exclusions under **Section 289 of the BNSS** are central to understanding the limits of plea bargaining. The mechanism does not apply to offences that carry punishment beyond the statutory threshold, offences affecting the socio-economic condition of the country as notified by the appropriate government, offences committed against women and offences committed against children below the statutorily specified age. The exclusion of such offences reflects the recognition that certain crimes involve broader public interests or particularly vulnerable victims and should ordinarily proceed through the regular criminal justice process. While these limitations protect the seriousness of criminal adjudication, they also raise questions regarding the narrow scope of plea bargaining and its practical effectiveness in reducing case pendency. The framework therefore represents a cautious legislative compromise: it permits negotiated resolution in appropriate cases while preserving full judicial adjudication for offences involving greater public harm and social concern.

JUDICIAL APPROACH AND CONSTITUTIONAL DIMENSIONS

The judicial approach towards plea bargaining in India has gradually developed from strong

²⁶ Protection of Statements and Other Safeguards under Sections 298 and 299
<https://share.google/cZMw0MsdYN5AAG20x>

²⁷ Article 20(3) <https://share.google/8xnDNTFdXr9QqJTha>

²⁸ *Nandini Satpathy v. P.L. Dani*, (1978) 2 SCC 424

scepticism towards a constitutionally controlled and statutorily regulated mechanism. Indian courts have consistently recognised that criminal justice cannot be reduced to negotiated outcomes merely for administrative convenience, and that any departure from a full trial must preserve voluntariness, fairness and judicial supervision. Under the present framework, Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023, particularly Sections 289–300, places the court at the centre of the plea-bargaining process, requiring judicial scrutiny of the accused's application and the subsequent mutually satisfactory disposition. The constitutional dimension becomes particularly significant because plea bargaining involves an accused voluntarily choosing a negotiated resolution instead of pursuing the ordinary trial process. Such a decision must therefore be informed and free from coercion, threat or improper inducement. The Supreme Court's decision in *Khatri (II) v. State of Bihar*²⁹, held the constitutional importance of legal assistance for persons unable to secure representation, making effective legal aid an important safeguard where an accused is required to make a consequential procedural choice.

The protection against self-incrimination under **Article 20(3)**³⁰ also requires careful consideration because plea bargaining necessarily involves statements and admissions made by the accused. The BNSS responds to this concern through **Section 299**, which expressly provides that statements or facts stated by an accused in a plea-bargaining application under Section 290 shall not be used for any other purpose except the purposes of Chapter XXIII. This statutory protection strengthens the voluntariness of the process by reducing the risk that an unsuccessful plea-bargaining attempt will prejudice the accused in subsequent proceedings.

The constitutional protection against compelled self-incrimination was given substantial interpretation in *Selvi v. State of Karnataka*³¹, where the Supreme Court distinguished voluntary participation from compelled extraction of personal knowledge, reinforcing the broader principle that the criminal process must respect individual autonomy. Article 21 provides another important constitutional foundation because a fair criminal procedure must protect both liberty and timely adjudication. The Supreme Court has repeatedly treated speedy trial as an essential component of Article 21, and this principle provides one of the principal justifications for a properly regulated plea-bargaining mechanism.

²⁹ *Khatri (II) v. State of Bihar*, (1981) 1 SCC 627

³⁰ Article 20(3) <https://share.google/8xnDNTFdXr9QqJTha>

³¹ *Selvi v. State of Karnataka*, (2010) 7 SCC 263

In *A.R. Antulay v. R.S. Nayak*³², the Court developed a comprehensive approach to determining whether delay violates the right to speedy trial, stressing that the assessment must consider the circumstances of each case rather than operate through an inflexible time limit. Plea bargaining may therefore assist in reducing unnecessary delay, but efficiency cannot justify pressuring an accused to surrender trial rights. Judicial supervision is consequently essential to verify whether the accused understands the nature of the proceedings, the possible punishment and the consequences of accepting a negotiated disposition.

The court must also remain alert to socioeconomic inequality, inadequate representation and the possibility that an accused may accept an unfavourable outcome merely to escape prolonged detention or litigation. The interests of victims form an equally important dimension of the contemporary framework because **Section 291 BNSS** contemplates participation in the process of arriving at a mutually satisfactory disposition, while compensation may form part of the resolution where legally appropriate. Victim participation prevents plea bargaining from becoming an exclusively prosecution–accused negotiation and gives greater recognition to restorative considerations within criminal procedure. In *Mallikarjun Kodagali (Dead) represented through Legal Representatives v. State of Karnataka*³³, the Supreme Court recognised the significance of victim-oriented procedural rights within the criminal justice system.

Consequently, the judicial and constitutional legitimacy of plea bargaining depends upon maintaining a careful equilibrium between the accused's autonomy, the State's interest in effective prosecution, the victim's legitimate interests and society's demand for timely justice. The BNSS framework can achieve these objectives only when courts exercise meaningful scrutiny and ensure that negotiated resolution remains genuinely voluntary, legally informed and consistent with the constitutional values of fairness, dignity, liberty and due process.

CRITICAL CHALLENGES IN THE IMPLEMENTATION OF PLEA BARGAINING

The statutory recognition of plea bargaining does not by itself ensure its effective operation. The Indian framework, now contained in **Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 289–300**³⁴, establishes a structured procedure, but its practical success

³² *A.R. Antulay v. R.S. Nayak*, (1992) 1 SCC 225

³³ *Mallikarjun Kodagali (Dead) represented through Legal Representatives v. State of Karnataka*, (2019) 2 SCC 752

³⁴ Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 289–300

depends upon awareness, voluntariness, competent legal representation, consistent judicial practice and meaningful protection of both accused persons and victims. Although the mechanism was designed to reduce delay and facilitate the disposal of eligible cases, studies and legal commentary have repeatedly indicated that plea bargaining remains comparatively underutilised in India, partly because many stakeholders continue to prefer traditional trial procedures or compounding where available.

6.1 Lack of Awareness among Accused Persons

One of the principal obstacles is the limited awareness of accused persons regarding the availability and consequences of plea bargaining. Under **Section 290 BNSS**, the process is initiated through an application made by the accused within thirty days from the framing of charge. This makes knowledge of the procedure particularly important. An accused who is unaware of the mechanism, its eligibility requirements or its possible consequences cannot make a genuinely informed decision. Limited awareness among accused persons and other stakeholders has been identified as a significant reason for the underuse of plea bargaining in India. The problem is more serious for economically disadvantaged or unrepresented persons who may lack access to proper legal information.

6.2 Risk of Coercion and Unequal Bargaining Power

Although Section 290 requires the accused to state that the application is voluntary, formal consent may not always reflect genuine freedom of choice. An accused facing prolonged pre-trial detention, financial hardship or uncertainty regarding the duration of a trial may perceive plea bargaining as the only practical option. The imbalance between an individual accused and the prosecuting machinery can further affect the negotiating process. In *Zahira Habibulla H. Sheikh v. State of Gujarat*³⁵, the Supreme Court emphasised that criminal proceedings must remain committed to the search for truth and the fair administration of justice. The principle is relevant because procedural efficiency cannot legitimise an outcome produced through pressure or inequality. Recent commentary has similarly questioned whether structural factors such as detention and inadequate legal aid can weaken the practical reality of voluntariness.

<https://share.google/cZMw0MsdYN5AAG20x>

³⁵ *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158

6.3 Access to Effective Legal Representation

Effective legal assistance is essential because an accused must understand the nature of the charge, available defences, possible punishment and consequences of accepting a negotiated disposition. The constitutional right to free legal aid forms part of the guarantee of fair procedure under **Article 21**, reinforced by **Article 39A**³⁶. In *Suk Das v. Union Territory of Arunachal Pradesh*³⁷, the Supreme Court held that the failure to provide legal assistance to an accused who is unable to secure representation may undermine the fairness of the trial itself. In the context of plea bargaining, legal representation must therefore involve meaningful advice rather than mere formal appearance. Without competent counsel, an accused may accept a disposition without properly evaluating the strength of the prosecution case or the long-term consequences of conviction.

6.4 Limited Scope and Statutory Exclusions

The scope of plea bargaining is deliberately restricted by **Section 289 BNSS**. It does not apply to offences punishable with death, life imprisonment or imprisonment exceeding seven years, and it also excludes offences affecting the socio-economic condition of the country, offences against women and offences against children. **Section 300 BNSS**³⁸ further excludes juveniles and children governed by the Juvenile Justice (Care and Protection of Children) Act, 2015. These exclusions protect important public interests, but they also substantially narrow the range of cases in which plea bargaining can contribute to reducing judicial delay. The Law Commission itself recommended a cautious and limited application, particularly excluding serious socio-economic offences and offences against women and children.

6.5 Victim Participation and Compensation

Victim participation is an important component of a fair and balanced plea-bargaining process. Under **Section 291 of the BNSS, 2023**, the court facilitates the process of arriving at a mutually satisfactory disposition involving the accused and the victim, while **Section 293** provides for the consideration of compensation and other terms of settlement. Meaningful victim participation ensures that the resolution of a criminal case does not become focused exclusively on the interests

³⁶ Article 21; Article 39A <https://share.google/8xnDNTFdXr9QqJTha>

³⁷ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401

³⁸ Section 300 BNSS <https://share.google/cZMw0MsdYN5AAG20x>

of the accused and the prosecution. The victim should be given a reasonable opportunity to communicate the nature of the loss or injury suffered and to participate in discussions concerning compensation. In *Ankush Shivaji Gaikwad v. State of Maharashtra*³⁹, the Supreme Court recognised the significance of compensation as an important aspect of criminal justice. In practice, however, victims may face difficulties due to lack of legal awareness, financial limitations or inadequate representation. Therefore, plea bargaining should incorporate effective victim assistance and ensure that compensation is determined fairly, reasonably and in accordance with the circumstances of the offence, rather than treating it as a mere procedural requirement.

6.6 Inconsistent Implementation and Judicial Practices

Another challenge is the absence of uniform practical implementation across courts. Judicial officers, prosecutors and defence lawyers may differ in their understanding of eligibility, procedure and the role of the court in verifying voluntariness. Such inconsistency can undermine predictability and discourage the use of the mechanism. While **Sections 290–293 BNSS** prescribe the formal stages of application, mutually satisfactory disposition and disposal, their effectiveness depends upon proper institutional implementation. The problem is therefore not merely legislative but administrative and professional. Greater training, standardised procedural guidance and systematic awareness programmes could help ensure that similarly situated accused persons receive similar treatment.

6.7 Plea Bargaining and the Risk of Wrongful Convictions

The most serious concern is that an innocent accused may accept a negotiated disposition to avoid the uncertainty, expense or delay of a full criminal trial. A reduced sentence may appear preferable to prolonged detention, even where the prosecution case is weak. This risk demonstrates why judicial verification under **Section 290 BNSS** must involve genuine scrutiny rather than a mechanical acceptance of an affidavit. In *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116, the Supreme Court stressed the importance of rigorous standards before criminal guilt is established, particularly where the case depends upon circumstantial evidence. Although the decision does not concern plea bargaining directly, its insistence on reliable proof highlights the danger of allowing efficiency to displace substantive justice. A plea-bargaining framework can contribute to speedy justice only when the accused

³⁹ *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770

receives informed legal advice, voluntariness is carefully examined and the court remains alert to the possibility that an apparently consensual plea may actually result from structural pressure rather than genuine acceptance of responsibility.

COMPARATIVE AND INTERNATIONAL PERSPECTIVES

The comparative study of plea bargaining demonstrates that negotiated criminal dispositions are not uniform across jurisdictions. While the United States has developed an extensive plea-bargaining culture, the United Kingdom follows a more judicially regulated system of guilty pleas and sentence reductions. Other common-law jurisdictions similarly recognise negotiated resolutions but subject them to varying degrees of prosecutorial discretion, judicial supervision and procedural safeguards. International human rights standards provide an additional framework by emphasising voluntariness, legal representation, informed consent and the right to a fair trial.

7.1 Plea Bargaining in the United States

Plea bargaining occupies a central position in the United States criminal justice system. **Rule 11 of the Federal Rules of Criminal Procedure**⁴⁰ regulates guilty pleas and plea agreements, including agreements concerning charges, sentencing recommendations and specific sentencing outcomes. The court must ensure that a plea is voluntary, informed and supported by an adequate factual basis. In *Brady v. United States*⁴¹, the Supreme Court held that a guilty plea is constitutionally valid when it represents a voluntary and intelligent choice among available alternatives. The U.S. model therefore demonstrates both the efficiency of negotiated dispositions and the importance of judicial safeguards against involuntary pleas.

7.2 United Kingdom Approach to Guilty Pleas and Sentence Reductions

The United Kingdom does not operate a plea-bargaining system identical to that of the United States. Instead, an accused who enters a guilty plea may receive a reduction in sentence, subject to judicial guidelines and the circumstances in which the plea is entered. The approach seeks to encourage early resolution while preserving judicial independence in sentencing. The **Sentencing Act 2020** and sentencing guidelines provide the legal framework for considering reductions following guilty pleas. In *R v. Goodyear*⁴², the Court of Appeal recognised the structured role of

⁴⁰ Rule 11 of the Federal Rules of Criminal Procedure <https://share.google/PEekn2OxIYvGgtjXt>

⁴¹ *Brady v. United States*, 397 U.S. 742 (1970)

⁴² *R v. Goodyear*, [2005] EWCA Crim 888

judicial indication in appropriate cases while maintaining safeguards against improper pressure. The U.K. approach is therefore more accurately characterised as a system of regulated sentence reduction rather than unrestricted bargaining.

7.3 Plea Negotiations in Other Common Law Jurisdictions

Jurisdictions such as Canada and Australia also permit forms of negotiated criminal disposition, though the precise procedure varies. These systems generally recognise prosecutorial discussions concerning charges or sentencing while preserving the court's ultimate authority over conviction and punishment. International criminal practice offers a similar example: before the International Criminal Tribunal for the former Yugoslavia, plea agreements required judicial acceptance, and the Trial Chamber had to be satisfied that the plea was voluntary, informed and unequivocal. The comparative position demonstrates that effective negotiated justice requires independent judicial scrutiny rather than exclusive control by prosecutors.

7.4 International Human Rights and Fair Trial Standards

International standards require that criminal proceedings respect the right to a fair hearing and adequate legal protection. **Article 14 of the International Covenant on Civil and Political Rights, 1966 (ICCPR)**⁴³ guarantees essential fair-trial rights, including adequate time and facilities for defence, legal assistance and protection against compelled self-incrimination. Although the ICCPR does not expressly regulate plea bargaining, its principles require that any waiver of trial rights must be genuine, informed and voluntary. In *Murray v. United Kingdom*⁴⁴, the European Court of Human Rights emphasised the importance of access to legal assistance within the broader guarantee of a fair trial under Article 6 of the European Convention on Human Rights⁴⁵.

7.5 Comparative Lessons for India

The principal lesson for India is that efficiency should operate alongside strong procedural protection. The BNSS framework under **Chapter XXIII, Sections 289–300**, already incorporates judicial supervision and statutory safeguards. Comparative experience, however, suggests the

⁴³ Article 14 of the International Covenant on Civil and Political Rights, 1966 (ICCPR)
<https://share.google/SyUwVdmFfyQKTNa36>

⁴⁴ *Murray v. United Kingdom*, (1996) 22 EHRR 29

⁴⁵ Article 6 of the European Convention on Human Rights <https://share.google/9dtUIY0i5TAO9nqeX>

need for clearer procedures regarding informed consent, effective legal representation, disclosure of consequences and consistent judicial practice. The U.S. requirement of judicial confirmation under Rule 11 and the U.K. model of transparent sentence reduction demonstrate different methods of ensuring that accused persons understand the consequences of a guilty plea. India can strengthen its existing system through specialised training for judges and lawyers, standardised voluntariness inquiries and improved access to legal aid. The objective should not be to replicate a foreign model but to develop a system of plea bargaining compatible with **Articles 20(3), 21 and 39A of the Constitution of India**⁴⁶, while ensuring that speedy disposal never overrides fairness, dignity or the accused's right to make an informed and voluntary decision.

CRITICAL EVALUATION AND NEED FOR REFORM

Plea bargaining under Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 represents an important attempt to reconcile the need for efficient criminal case disposal with the constitutional commitment to fair procedure. However, its practical value cannot be assessed merely by the number of cases disposed of. A meaningful evaluation must consider whether the process genuinely reduces delay, protects the autonomy of the accused, ensures access to competent legal assistance and adequately recognises the interests of victims. The present framework under Sections 289–300 provides a statutory foundation, but greater procedural clarity and institutional support are necessary for its effective implementation.

8.1 Effectiveness of Plea Bargaining in Reducing Judicial Delay

Plea bargaining can reduce the time and resources required for a full criminal trial in eligible cases. By permitting a mutually satisfactory disposition under **Sections 290–293 BNSS**, it may prevent unnecessary adjournments and prolonged litigation. Nevertheless, its effectiveness remains dependent on awareness and consistent implementation. In *P. Ramachandra Rao v. State of Karnataka*⁴⁷, the Supreme Court recognised the complexity of addressing judicial delay and rejected rigid time limits for criminal trials. Plea bargaining may therefore supplement, rather than replace, broader reforms required to address systemic pendency.

⁴⁶ Supra

⁴⁷ *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578

8.2 Balancing Speedy Justice with Fair Trial Rights

The objective of speedy justice must remain consistent with constitutional guarantees. **Article 21** requires criminal procedure to be fair and reasonable, while **Article 20(3)** protects against compelled self-incrimination. A negotiated disposition should not become a means of pressuring an accused to abandon a legitimate defence. In *Noor Aga v. State of Punjab*⁴⁸, the Supreme Court emphasised the importance of procedural safeguards where criminal consequences seriously affect personal liberty. The same principle supports careful scrutiny of plea-bargaining decisions.

8.3 Strengthening Procedural Safeguards and Voluntariness

Although **Section 290 BNSS** requires the court to determine whether an application is voluntary, this inquiry should be substantive rather than formal. Courts should clearly explain the consequences of plea bargaining and verify that the accused understands the allegations and possible punishment. Standardised questions and written records of the voluntariness inquiry could strengthen transparency and reduce the possibility of coercion.

8.4 Improving Legal Aid and Awareness Mechanisms

Effective implementation requires greater public awareness and access to competent legal advice. **Article 39A of the Constitution**⁴⁹ and the **Legal Services Authorities Act, 1987**⁵⁰ provide an important basis for legal aid. Accused persons should receive clear information regarding eligibility, consequences and available alternatives before making an application. Legal Services Authorities can play a greater role through legal-awareness programmes and pre-application counselling.

8.5 Enhancing Victim Participation and Restorative Justice

Plea bargaining can contribute to restorative justice by giving victims a meaningful role in the resolution of criminal proceedings. **Section 291 of the BNSS, 2023** provides for the participation of the victim in arriving at a mutually satisfactory disposition, while **Section 293** enables the court to consider compensation and other agreed terms. However, victim participation should extend beyond merely recording consent. Victims should receive adequate information, legal

⁴⁸ *Noor Aga v. State of Punjab*, (2008) 16 SCC 417

⁴⁹ Article 39A of the Constitution <https://share.google/8xnDNTFdXr9QqJTha>

⁵⁰ Legal Services Authorities Act, 1987 <https://share.google/0jy5jIXAFPZtlbbVK>

assistance and a genuine opportunity to express their concerns regarding the harm suffered and appropriate compensation. In *Suresh v. State of Haryana*⁵¹, the Supreme Court recognised the importance of victim compensation within the criminal justice process. Strengthening victim-oriented procedures can make plea bargaining more restorative by addressing not only the punishment of the offender but also the consequences suffered by the victim. A balanced approach should therefore ensure that negotiated outcomes respect the victim's dignity, interests and right to meaningful participation while maintaining the voluntariness and fairness of the proceedings.

8.6 Towards a Balanced Plea Bargaining Framework under BNSS, 2023

A balanced framework should treat plea bargaining as an instrument of justice rather than merely a device for reducing pendency. The existing safeguards under **Sections 289–300 BNSS** can be strengthened through effective legal aid, informed consent, meaningful judicial scrutiny, victim-sensitive procedures and uniform implementation standards. The future success of plea bargaining in India will depend on maintaining an appropriate balance between procedural efficiency and the constitutional values of liberty, fairness and equal access to justice.

CONCLUSION

Plea bargaining has emerged as a significant procedural mechanism within the Indian criminal justice system, particularly in response to prolonged trials, increasing case pendency and the need for more efficient dispute resolution. Its statutory recognition under the Code of Criminal Procedure, 1973, and its continuation under **Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023**, demonstrate the legislative acceptance of negotiated criminal justice within defined limits. The BNSS framework provides safeguards relating to voluntariness, judicial supervision, mutually satisfactory disposition, victim participation and protection of statements made during the process. However, the existence of these provisions does not automatically ensure their effective implementation.

The study demonstrates that lack of awareness, unequal bargaining power, inadequate legal representation, restricted statutory scope and inconsistent institutional practices may undermine the intended objectives of plea bargaining. There is also a significant need to ensure that efficiency does not compromise the accused's constitutional protections under **Articles 20(3) and**

⁵¹ *Suresh v. State of Haryana*, (2015) 2 SCC 227

21, particularly the protection against compelled self-incrimination and the right to fair procedure. At the same time, victims must receive meaningful participation and appropriate consideration of their interests rather than being treated as secondary participants.

Plea bargaining should therefore be understood not merely as a mechanism for reducing judicial workload, but as a carefully regulated form of criminal justice that must preserve fairness, accountability and dignity. Strengthening legal aid, public awareness, judicial guidelines, voluntariness assessments and victim-oriented safeguards can make the BNSS framework more effective. A balanced approach can enable plea bargaining to contribute to speedy justice while ensuring that procedural efficiency never becomes a substitute for substantive justice.

REFERENCES

1. Government of India. *The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023)*. New Delhi: Ministry of Law and Justice; 2023. Chapter XXIII, §§ 289–300. India Code – Bharatiya Nagarik Suraksha Sanhita, 2023
2. Government of India. *The Code of Criminal Procedure, 1973 (Act No. 2 of 1974)*. New Delhi: Ministry of Law and Justice; 1974, as amended by the Criminal Law (Amendment) Act, 2005.
3. Law Commission of India. *Concessional Treatment for Offenders Who on Their Own Initiative Choose to Plead Guilty Without Any Bargaining*. 142nd Report. New Delhi: Government of India; 1991. Law Commission of India – 142nd Report
4. Law Commission of India. *The Code of Criminal Procedure, 1973 (Act No. 2 of 1974)*. 154th Report, Vol I. New Delhi: Government of India; 1996. Law Commission of India – 154th Report
5. Committee on Reforms of Criminal Justice System. *Report of the Committee on Reforms of Criminal Justice System*. Vol I. New Delhi: Ministry of Home Affairs, Government of India; 2003.
6. Government of India, Ministry of Law and Justice. *The Legal Services Authorities Act, 1987*. New Delhi: Government of India; 1987.
7. Government of India. *The Constitution of India*. New Delhi: Ministry of Law and Justice; 2024 ed.
8. United Nations. *International Covenant on Civil and Political Rights*. New York: United Nations; 1966. Art 14.
9. Lippke RL. *The Ethics of Plea Bargaining*. Oxford: Oxford University Press; 2011.
10. Vogel M. Plea bargaining under the common law. In: Brown D, Turner J, Weisser B, editors. *The Oxford Handbook of Criminal Process*. Oxford: Oxford University Press; 2019. p. 728–760.
11. Walker S. *Taming the System: The Control of Discretion in Criminal Justice, 1950–1990*. New York: Oxford University Press; 1993. p. 81–111.
12. Brown DK. *Free Market Criminal Justice: How Democracy and Laissez Faire Undermine the Rule of Law*. New York: Oxford University Press; 2016. p. 91–118.
13. Luna E, Wade M, editors. *The Prosecutor in Transnational Perspective*. New York: Oxford University Press; 2012. p. 91–101.

14. Vig K, Lal R, Ghai P. Bargained justice: Legal psychological analysis of plea-bargaining in India and USA. In: *Comparative Approaches in Law and Policy*. Singapore: Springer; 2023. p. 369–380. doi:10.1007/978-981-99-4460-6_22.
15. Alschuler AW. Plea bargaining and its history. *Law & Society Review*. 1979;13(2):211–245.
16. Bibas S. Plea bargaining outside the shadow of trial. *Harvard Law Review*. 2004;117(8):2463–2547.
17. Bibas S. Taming negotiated justice. *Yale Law Journal*. 2012;122. Yale Law Journal – Taming Negotiated Justice
18. Lieb D. Vindicating vindictiveness: Prosecutorial discretion and plea bargaining, past and future. *Yale Law Journal*. 2014;123. Yale Law Journal – Vindicating Vindictiveness
19. Abel J. Cops and pleas: Police officers’ influence on plea bargaining. *Yale Law Journal*. 2017;126. Yale Law Journal – Cops and Pleas
20. Vibha V. A comparative analysis on the concept of plea bargaining with special reference to UK, USA and India. *International Journal of Law*. 2021;7(5):154–159.
21. Sharma US. An overview of concept of plea bargaining under the Indian legal system: Comparative analysis of plea bargaining in Indian and American legal systems. *Journal of Advances and Scholarly Researches in Allied Education*. 2018;15.
22. Dalmia S. Plea bargaining: A necessary evil. *National Journal of Criminal Law*. 2018.
23. Garg K. Plea bargaining in USA and India: An appraisal. *International Journal of Law Management & Humanities*. 2026;9(3):2296–2307.
24. Saini S, Kaur P. Plea bargaining practices: Comparative analysis of its evolution in the USA, India and European jurisdiction. *Indian Journal of Law and Legal Research*. 2025.
25. United States Department of Justice. *Justice Manual: Federal Rule of Criminal Procedure 11 – Pleas and Plea Agreements*. Washington, DC: Department of Justice. US Department of Justice – Rule 11 Plea Agreements
26. Sentencing Council for England and Wales. *Reduction in Sentence for a Guilty Plea: Definitive Guideline*. London: Sentencing Council.