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# FRAMING OF CHARGES AND THE ROLE OF THE PUBLIC PROSECUTOR: A COMPARATIVE STUDY OF COMMON LAW JURISDICTIONS

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Muskaan, LL.M, University Institute of Legal Studies, Chandigarh University

Ms. Parneet Kaur, Associate Professor, University Institute of Legal Studies, Chandigarh University

## ABSTRACT

The Public Prosecutor (PP) has a strong and important place in criminal cases, standing as the main person who decides on charges. This choice power, though useful for law working with flexibility, makes a clear struggle between government power and the rights of the accused. This paper looks at how this power of the prosecutor is handled in four common law countries: India, the United States, the United Kingdom, and Canada. The study looks at how each country controls the charging step, from the U.S. model, where prosecutors have very wide power, to the U.K. system, where the Crown Prosecution Service (CPS) runs it with a strict two-step rule. It also looks at Canada's mixed style, where Crown prosecutors check charges made by police, and India, where judges set charges but the PP still has a strong effect. By seeing how much choice power exists, what checks there are, and how courts review it, the research shows the different ways to keep prosecutor freedom while still holding fairness, balance, and due process. The results indicate that countries with open rules and public tests of interest, like the U.K. and Canada, have stronger systems to stop unfair or biased charge decisions, leading to a fairer justice system.

**Keywords:** Prosecutorial Discretion, Framing of Charges, Common Law Systems, Comparative Criminal Law, Public Prosecutor.

## **1. Introduction**

In the court system, there is a person who stands in a special place between the police who look into the crime and the judge who determines the decision: The Public Prosecutor (PP). In the US, this person is often called the District Attorney (DA). The job is crucial in the criminal justice systems of big countries like India, the United States, England and Wales, and Canada. The PP is the official voice of the state, meant to work for justice "for the people" and the government. This role makes them the main gatekeeper of the whole court process. This function of PP is not only procedural; it is the first substantive filter that determines whether an individual will face the full force of the state's legal machinery. The prosecutor's decision to press, reduce, or drop charges shapes the whole direction of a case, influencing everything from the potential for plea bargaining to the actual sentence, thereby holding immense power over an individual's liberty and reputation.

### **1.1 Role of the Public Prosecutor in shaping charges, influencing trial fairness, and balancing state vs. individual rights**

The office of prosecutor came after many years of change in law history. In the past, crimes were seen as private wrongs, and victims had to start and pay for their own cases. In the 19th century, people began to see crime as a wrong against the whole society and the peace of the state. Because of this, there was a need for a public office to handle cases for all citizens. This change gave the PP two roles that can sometimes clash. Acting as a law officer, the PP pushes cases against lawbreakers, maintains order, and ensures adherence to rules. The other role is to act fairly like a "Minister of Justice," making sure to be honest and fair and to protect the rights of accused people so that justice is real. The greatest power of the PP is to decide whether to start a case or not, what charge to put, or even stop the case. This decision is the main part of any criminal case, as it fixes how the case will move, what punishment may come, which court will see it, and how deals like plea bargains can happen. It stands between the rules of fair process and the power of the government.

This kind of power is needed for a system that works quickly and well, but if used without control, it brings big worries about fairness and equality. The main problem, which this paper looks at, is the clash between giving the prosecutor freedom and stopping unfair or biased choices. So, this study compares how the United States, the United Kingdom, India, and

Canada deal with this discretion and how they try to keep balance between state power and fair process.

The process of making criminal charges and the significant power granted to the Public Prosecutor (PP) is a major and often contentious issue within the common law justice system. Discretion is needed for giving personal justice and using law right (like looking at enough evidence or public interest), but this power can be misused very easily. The main trouble is between PP working free on his own and the need for fairness and control in different common law places. In countries like the United States, PPs get huge power in picking charges with little check, making things like “overcharging,” which forces guilty pleas and takes away the real role of the judge and jury, breaking the fair fight idea. In other systems, like England, Wales, or Canada, the “public interest” test looks like it makes limits, but PP still use it in different ways, so there is no same rule and no clear way. In India, there is a special way; the court is the one who frames charges, but still the PP decides what charges to put from the police paper, so he holds a strong hand and can use it in the wrong way.

## **1.2 Objectives and Methodology**

This study looks at how different common law systems—central or not—control the PP power in charge of making. No clear rule makes problems like unfairness, bias, and laws not being the same for all, so people lose trust that justice is equal. So the problem is to study and compare how law and system control PP in charge of making and find a better way to keep balance between PP needing choice and strong rules for fairness, checks, and due process, which is the big talk today.

This research looked at how public prosecutors work in India, the United States, the United Kingdom, and Canada. The study used books, laws, and other writings about what prosecutors do in these countries. It studied big laws like India’s Criminal Procedure Code, how the U.S. picks prosecutors, the Crown Prosecution Service in the UK, and Canada’s prosecuting rules. It also reads articles, court decisions, and other writings to learn how prosecutors really work and the issues they face. This way, the research tries to understand what public prosecutors do and how they change the criminal justice system in these countries.

The four countries were picked because they show different ways how prosecutors use power:

- **United States:** Shows the local system, where the District Attorney is elected and has almost full power to decide charges.
- **United Kingdom:** Shows the central system, where the Crown Prosecution Service uses a clear two-step test (proof and public interest) to decide and limit power.
- **Canada:** Police put first charges, but Crown prosecutor has final say and use public interest rules.
- **India:** Police make charge sheet, court frame charges, but public prosecutor still has strong power to choose charges and close case (Section 321 CrPC).

The collected information will be checked with a simple compare study, looking at three main parts of prosecutor power to see how it affects fair justice:

- **Scope of Choice:** Looking at when the prosecutor makes the final charge decision (before the case is filed or before trial) and if there are clear written rules (like the UK two-step rule or the US-wide moral rules).
- **Ways of Pressure:** Checking how plea deal use is controlled—a result of charging power—and how systems handle overcharging that pushes people to admit guilt.
- **Answerability and Checking:** How prosecutors are kept in line, like if the court sees the charge pick, open rules, and if control comes from votes (US) or from job groups (India, UK, Canada).

### **Research Questions**

- **Q1.** How do different systems of prosecutors (centralised vs. decentralised) help or stop the bad trick of "adding too many charges"? And what part does this trick play in pushing people to say "guilty" in each place?
- **Q2.** In plain terms, how much full and unchecked power does the PP have when first making and showing criminal charges in the U.S., U.K., Indian, and Canadian courts?
- **Q3.** What main system things (e.g., judicial review, mandatory public guidelines, or external oversight bodies) are there now to keep fairness and stop big bias in the PP's

charge choices, and which way works best in real use?

## 2. Understanding the Foundations of Charge Framing and Prosecutorial Roles

Framing charges and prosecuting offenses are essential part of any criminal justice system, showing the move from investigation to adjudication. This step works under the laws, judicial precedent, and discretionary powers. Understanding these foundations, one must look at the distinct roles of the main people—particularly the prosecutor—and appreciating the historical evolution that has shaped their modern functions and responsibilities.

### 2.1 The Evolution of the Prosecutor's Role and the Shift from Private to Public Wrongs

A long time ago, crime was like a personal problem. If someone took your cow, you had to fight in court yourself. The government did not bother; it was your headache. During this time of private law conflicts, it was up to the person who was victims to acquire evidences, hire a lawyer, and take the wrongdoer to court. This approach was not fair because it helped rich and strong individuals who could pay for justice and left poor and weak people with no meaningful aid. The government didn't do much; they largely just gave these private disputes a place to happen, which didn't actually keep people safe or the law in order.

1. **Big Change:** During the 1800s (in India, the U.S., and the U.K.), people saw crime is not just against one person; it is against everyone—the State. So, the government started handling it.
2. **American Style:** In the U.S., the public prosecutor became a big elected officer (DA). People voted for them, so they answer to local politics and are almost fully free. They became the top boss in local courts.
3. **Indian/UK Style:** In the UK and later India, the public prosecutor became a government worker, hired centrally, not elected. Prosecutorial discretion is the big, almost endless power PP has to make choices nobody can really stop.

This shift introduced two primaries, sometimes conflicting, roles for the PP. The first is to uphold the law by ensuring that those who break it are robustly prosecuted and brought to justice, thereby maintaining the rule of law and public safety. The second, and arguably more significant, role is that of Minister of Justice. This necessitates that the PP acts with complete

impartiality and an unbiased mind, seeking truth, and safeguarding the rights of the accused, even while pursuing punishment.

## **2.2 Judicial discretion vs. prosecutorial discretion**

The biggest and most dangerous power of the PP is to make charges. This is the first big choice: whether to start a case or not, and what crime to say. This decision may be the most important part of the whole case because it sets a clear path for the rest of the process.

- **It fixes the penal exposure:** the chosen charge dictates the maximum and minimum sentences an accused can face.
- **It determines the court's path:** it dictates the jurisdiction of the court and the legal procedure (e.g., warrant or summons case in India).
- **It Creates Power Leverage:** It lets the PP have strong control, mainly in things like plea deals, which change the result and skip the normal court trial.

This big power is called prosecutorial discretion. This study looks at how different countries handle the choice of power to make sure justice stays fair and steady, even if this power is needed to give flexible justice.

## **3. Indian Legal Framework on Charge Framing and Prosecutorial Role**

The rules about making charges and prosecuting in India are mostly from the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which replaced the old Code of Criminal Procedure, 1973 (CrPC). But this is not the only rule. The Bharatiya Nyaya Sanhita, 2023 (BNS), takes the place of the Indian Penal Code, 1860, and says what acts are crimes. The Bharatiya Sakshya Adhinyam, 2023 (BSA), replaces the old Indian Evidence Act, 1872, and establishes the basic rules about what kind of proof is allowed and how to evaluate it for making charges. Together, these laws make the base for criminal cases in India.

Before independence, police officers did the prosecution work. They were called police prosecutors and did not need to be lawyers. This system was in colonial rule, where prosecutors help to stop freedom struggle. Public prosecutors were working under police. Department control. Their promotion to a higher post was dependent depending on how many convictions

they get in court. They could not show the proper fairness that is expected from a prosecutor. Law and justice are state subjects, so there is no same system of prosecution in all of India. In many states, the distinction between police investigations and prosecutions is not clear. This makes Public Prosecutor is not fair because police can control the prosecution. In some states, the senior police officer is head of prosecution, then There is no line at all.

Section 18 of BNSS talks about the appointment of a public prosecutor<sup>1</sup>. In High Court, a public prosecutor is put by the central or state government; they can also add an additional public prosecutor. Based on case type, the central government can put prosecutors in district court or local court for some cases. A public prosecutor with an additional prosecutor of the district can also work in other districts if needed. This is done with the District Magistrate making a list of names for appointment. If there is a cadre of prosecuting officers, the state must choose from there; if none are suitable, then names from the list are taken. The main point is a person must be an advocate for 7 years to get a post, and for a special public prosecutor, he must have 10 years' practice. Section 20 talks about assistant public prosecutors.

#### **Other legal Provisions:**

- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“POA Act”):** Section 15: Special Public Prosecutor and Exclusive Public Prosecutor. The state government must choose or assign a lawyer ( $\geq 7$  years of practice) as a special public prosecutor for each special court; the same applies to exclusive special courts.
- **Prevention of Terrorism Act, 2002 (“POTA”):** Section 28: Public Prosecutors. Says every Special Court must have a Public Prosecutor/Additional/Special Public Prosecutor appointed by the Centre or State govt; must have 7 years of practice or hold a certain legal position.
- **Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA):** Section 13: Public Prosecutors. Same rule: each designated court must have a public prosecutor/additional/special public prosecutor appointed by the government; qualifications are also mentioned.

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<sup>1</sup> *The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 18.*

- **Terrorist Affected Areas (Special Courts) Act, 1984:** Section 9: Public Prosecutors. The Central Govt. must assign Public Prosecutor(s) for each Special Court, and additional/special ones also; eligibility is given.
- **National Investigation Agency Act, 2008 (“NIA Act”):** Section 15: Public Prosecutors. The Central Govt. must assign a Public Prosecutor & can assign an Additional/Special Public Prosecutor too.

### 3.1 Role of the magistrate/judge in framing charges.

In Indian criminal justice, police do investigations, and for trial we have judges and lawyers, but all is under the magistrate. From asking to arrest to giving a reason for arrest to doing an investigation and trial, all is under magistrate order. After that comes the prosecutor in India, called the public prosecutor, given under section 24 of the Criminal Procedure Code, which we will see later. He is chosen by the state and speaks for the state in criminal cases. In India, when a case is to be prosecuted, the magistrate sees the police report, and then the prosecutor is put on. The prosecutor speaks for the government in any case or gives the state side in a criminal case. Magistrate work is not just formality. Under BNSS (and the old CrPC), magistrates must think on police reports and papers. They must see if *a prima facie* case is there against the accused. This means checking if the evidence from the investigation is enough to go to trial. A magistrate can free the accused if the proof is no good, so act as a shield against weak or wrong cases from police.

Under the new Bharatiya Nagarik Suraksha Sanhita 2023, which replaces the old Code of Criminal Procedure 1973, the magistrate's job when making charges is still crucial in trial but now has clear time limits and steps to follow. Section 263 of BNSS says if, after seeing the police report, papers, and evidence, and after listening to both sides, the magistrate thinks there is reason to believe the accused did the crime, he can try and punish him; he must write a formal charge against the accused. Law now requires charges to be done in sixty days from the first hearing to make the trial fast and stop delays. After the charge was made, it was read and told to the accused, who was asked if he pleaded guilty or wanted a trial.

#### Cases:

- The Supreme Court in Directorate of Revenue Intelligence v. Raj Kumar Arora &

Others (2025 INSC 498) said that after charges are made under law, the trial court cannot remove those charges using Section 216 of the Criminal Procedure Code (now Section 262 of BNSS). The court said this power is only to add or change charges, not to discharge the accused after charges are made. This shows that making charges is a fixed point in the trial; after that, the court must go on with the trial, keeping the procedure clear and fair.

- In *State of Gujarat v. Dilipsinh Kishorsinh Rao & Others* (2023), the Supreme Court said that when charges are being made, the accused cannot show or use outside papers or things for their defense. The Court said the magistrate or judge at this point only looks at what the prosecution gives—like police reports, witness statements, and other papers—and decides if there is a basic case or strong doubt against the accused. The Court also said this stage is not a small trial, so looking at evidence in detail is not allowed.

### **3.2 Role of the Public Prosecutor: assisting, guiding, ensuring no over /undercharging**

The prosecutor's job is to bring justice, not just to obtain a conviction or release. His duty is to see from arrest to trial if the law is followed. He must give way for a fair hearing so no wrong or illegal thing happens. He should not look eager but make sure the rights of the victim and accused are safe. So, appointing a prosecutor is needed to stop these things:

- The accused's rights must be kept safe.
- To ensure that both sides have a chance in the trial; to make a fair verification.
- To stop unfair treatment.
- For equal standing.

As a law officer appointed by the state rather than by the court, he must address the issues of the people in his role as a statesman. Police can work with him. The accused cannot compel him to provide evidence on their behalf. Only the rights he truly has can be requested. "He can choose to either drop or keep any case assigned to him under section 360 BNSS,<sup>2</sup> but he must

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<sup>2</sup> *The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 360. [Formerly The Code of Criminal Procedure, 1973, s. 321].*

consider the public good rather than any negative intentions." The top court said in the 1987 case *Mohammed Mumtaz v. Nandini Satpathy*<sup>3</sup> that only the judge's yes is needed to go on. In India, he has full power; the district head and SOP can only advise or inform him. He must uphold the promise of the right to life and freedom under Article 21<sup>4</sup>. If the matter is of great public importance, the state can make a special order for this appointment.

### Important Cases:

- In **Thakur Ram vs. State of Bihar**,<sup>5</sup> the Supreme Court held that the motive of appointing a prosecutor is to represent the victim's right, as a crime against him/her is considered a crime against society. Therefore, no person can use this means to fulfil their private motives, such as vengeance.
- In **Mukul Dalal v. UOI**,<sup>6</sup> the Supreme Court has stated that in India, the public prosecutor's office is a public one, which is important for the court and the state to establish just for social purposes.
- In **Radheshyam v. State of M.P. & others**,<sup>7</sup> the court has stated that a special public prosecutor can be appointed by the state whose remuneration shall also be paid by the state to maintain its integrity. Thus, the government cannot appoint him or her with the expectation that a private party will pay for their remuneration.

## 4. Comparative Perspectives on Charge Framing in Common Law Systems

### 4.1 United Kingdom

In the UK the prosecutors come under the Crown Prosecution Service (CPS), and they are called crown prosecutors. CPS started in 1985 by law for prosecution of offenses and works in England and Wales separate from the European system. It is a body that is independent, and the police or government cannot interfere in it. The UK has three jurisdictions for public prosecution, and CPS is one where prosecutors work to give justice. It does not depend on the other two. The UK also has no penal code; they work on statutes, precedents, and customs, and

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<sup>3</sup> *Mohammed Mumtaz v. Nandini Satpathy*, (1987) 2 SCC 627.

<sup>4</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

<sup>5</sup> *Thakur Ram v. State of Bihar*, AIR 1966 SC 911.

<sup>6</sup> *Mukul Dalal v. Union of India*, (1988) 3 SCC 144.

<sup>7</sup> *Radheshyam v. State of M.P.*, (2007) 1 MPLJ 272.

by that, the CPS works for the Crown. They have to follow the Code for Crown Prosecutors<sup>8</sup>. They try to make equality and inclusion, and they have 14 regional teams for cases in local areas, and each has a chief crown prosecutor. They also work in three special divisions: the international justice and organized crime division, the special crime and counterterrorism division, and the fraud division team. They are in charge of making criminal prosecutions in the UK as a judicial agency.

One main point of appointment is that both law people and non-law people can apply to be prosecutors and can work as solicitors or barristers even if they do not have a degree. But if a person has no law degree, then he must pass the common professional examination (CPO) or take a graduate diploma in law.

### **Role of Prosecutor Under CPS:**

1. They choose which cases to prosecute and which not.
2. They do an investigation and collect evidence for it.
3. They decide the charge.
4. They can also tell police what to do in an investigation.
5. As an independent body, no authority can stop them in this work.
6. They also go to court for cases (like lawyers) and can guide the counsel.
7. They also help victims and keep witnesses safe, giving them their rights.
8. Their decision to charge or not charge is based on a full code test, first to collect evidence and check if it is reliable for court. After that, the second step is to see public interest. Only after this can they continue with the case.

### **4.2 United States**

In the U.S., the system is different everywhere because states and counties have their own rules. There are 50 states and more than 3000 counties, and each one has its own prosecutor. Because

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<sup>8</sup> *The Crown Prosecution Service, "The Code for Crown Prosecutors" (October 2018).*

the U.S. is a federal republic, only at the federal level do they have one system with federal prosecutors. District attorneys come from the U.S. attorney's office for each federal district, but local prosecutors do not come the same way. It's not like an appointment but through election. People vote for them in local elections. In the United States, the U.S. federal attorneys work like prosecutors, but they come by election to office. Assistant U.S. Attorneys, called federal prosecutors, are from the federal government, and they look at criminal cases and also some civil cases. The main work is investigation and seeing that the accused's rights are not broken. They are in the crime investigation process, and they can ask questions and talk to witnesses.

He is the one who manages and makes sure criminal justice goes right. The prosecutor has the power to charge or not charge someone. He must be careful. Police can arrest if in doubt, but the power to charge rests only with the prosecutor. No one can question that. Once a prosecutor decides to press charges for a felony, there are two primary constitutional mechanisms to formalize them: a grand jury indictment or a preliminary hearing. A **grand jury** is a secret proceeding where a panel of citizens hears evidence presented only by the prosecutor to determine if there is probable cause to issue an indictment (a formal accusation). This process is one-sided and gives the prosecutor significant control. Alternatively, some states use a **preliminary hearing**, which is an adversarial process in open court. Here, a judge hears evidence from both the prosecution and the defence to decide if probable cause exists to hold the defendant for trial. If the judge finds probable cause, the prosecutor files a document called an 'information.' Both paths serve as a check on prosecutorial power, but the grand jury is often seen as being heavily influenced by the prosecutor.

An example is the Kemba Smith case, where she got 24.5 years in jail because the prosecutor put charges on her for drug activity, but it was her husband who was the dealer. She was told charges will reduce if she helps, but her husband died, and she ended up guilty and punished. So, prosecutors must use charging power carefully.

In the U.S. system prosecutors mostly control what the court will do; this can affect fairness. Prosecutors also run plea bargaining. In around 90% of cases, people plead guilty.<sup>9</sup> Prosecutors sometimes use extra charges to push defendants to accept small charges. People want to avoid trial and hard punishment, so they agree.

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<sup>9</sup> *tobello v. New York*, 404 U.S. 257 (1971).

The prosecutor is like half judge, so he must act Impartially. He represents society, not only one side. His aim should not be only conviction but also fair remedy. The Supreme Court also said this in *Berger v. United States*.<sup>10</sup> They do a big investigation and collect evidence. Their work is filing subpoenas, plea bargaining, framing charges, and making sure the rights of both the victim and the accused are safe.

**Important Cases:** In *People v. Smith*, sometimes the side bringing the case does not show enough proof, and the judge says the prisoner has to be let go. No proof was given, so no hard check can be done here. Comment— Therefore, “the lawyer who fights for the state and how he handles the case and court play a big part in how the case ends in the American system. In America, the lawyer ensures that the case is handled fairly, unlike in India, where the lawyer acts as a helper to the judge.

### 4.3 Canada

The Canadian system strikes a balance between police initiative and prosecutorial oversight. In most provinces, the police have the authority to lay initial charges against a suspect. However, this power is not absolute. The Crown prosecutor (the equivalent of a PP or DA) retains the ultimate authority over the prosecution.

After the police put charges in, the file goes to the Crown Office to be looked at. The prosecutor then chooses if the case goes ahead or not. This choice follows a two-part test, like in the UK: charges and can also stop cases (Section 321 CrPC).

1. **Reasonable Prospect of Conviction:** There should be enough believable proof to actually obtain a certainty.
2. **Public Interest:** The case should be in the public interest, looking at how serious the crime is, the damage done, and if taking it forward would harm justice.

The Crown lawyer can stop the charges the police made, change them to other charges, or keep them the same. This acts like a check on what police decided first. The lawyer has a wide choice but not full freedom. Courts can look at the lawyer’s choice if it is misused to make sure power is not used wrong. Rules are made to keep decisions fair and balance law work and people’s

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<sup>10</sup> *Berger v. United States*, 295 U.S. 78 (1935).

rights. Looking at India, the United States, the United Kingdom, and Canada shows different ways of handling this lawyer's power.

#### **4.4 Comparative Analysis**

Looking at how law works in the US, UK, Canada, and India shows different ways to mix the power of prosecutors with judges checking them and being fair. In the US, elected district lawyers have strong power to decide charges mostly by themselves. This speeds things up, but it can also lead to too many charges, forced pleas, and politicians getting in the way. In the UK, the Crown Prosecution Service evaluates evidence and public interest in two steps before proceeding, which prevents arbitrary charges; however, judges mostly just watch the process. Canada has a mix: police can start charges, but the Crown lawyer has the final say, using the same two-step examination for winning chances and public favourable, and judges can step in if the lawyer acts wrong. India works differently: magistrates first look at police reports to see if a case exists, but public lawyers still choose charges and can drop the case, so there is both judge checking and lawyer power. All of this indicates the conflict between choosing lawyers and fair law. The public beneficial rule is one way to make sure that the power of the state is fair for everyone in Canada and the UK.

#### **5. Conclusion**

The job of a public prosecutor and how much power they have to make charges is completely unique in different common law countries. This distinction is because every country has its own way of sharing power between the state, the courts, and people's rights. In different countries, public prosecutors do different things and have different powers when making charges. This shows how much the state, courts, and people matter. The United States, Canada, the United Kingdom, and India all have different ways to handle prosecutors' power.

In the **United States**, prosecutors have a lot of power. Local district lawyers decide the charges, and judges usually do not examine them closely. This method is fast and provides lawyers control, but it can cause problems like extra charges, forced guilty pleas, and politics affecting cases. This way can make trials unfair. In the **United Kingdom**, the Crown Prosecution Service decides on charges. Prosecutors do two main things: look at evidence and think if charging is beneficial for the public. This

system helps make charges clear and stops unfair choices, but judges mostly just watch the process. **Canada** works differently. Police can start cases, but the Crown prosecutor decides in the end, checking evidence and public interest. This format keeps a balance between police and prosecutors. Courts can step in if needed. This setup makes the system strong and flexible. **India** has a mixed way. Judges play a big role in making charges. The magistrate checks the police report to see if a case exists. Still, the public prosecutor can suggest charges and drop cases in some situations. This process balances prosecutor advice with judge approval.

The situation shows a big problem in criminal law. While prosecutors require authority to conclude cases, regulations are necessary to prevent abuse and maintain equity. No system is perfect, but the UK and Canada show ways to balance government action and fairness for everyone.