
PROCESS OF CRIMINAL TRIAL IN INDIA

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[1] INTRODUCTION

A trial in court is a formal legal proceeding where parties present evidence, arguments, and witnesses to prove their case before a judge or jury. The purpose of a trial is to determine the facts of the case, apply the relevant laws, and render a judgment or verdict based on the evidence presented. “Lex uno ore omnes alloquitur” which means that everyone is equal before the eyes of the law which is an important principle which forms the basis of judicial proceedings across the world.

[2] CONCEPT OF A TRIAL

A trial is a legal proceeding in which parties present evidence, arguments, and witnesses before a judge or jury to resolve a dispute or determine the guilt or innocence of a defendant in a criminal case. The concept of a trial is fundamental to the judicial system and serves as a mechanism for resolving legal disputes and administering justice. Key aspects of the concept of a trial include:

- [2.1] Adversarial Nature: Trials are often adversarial in nature, meaning that opposing parties (such as the prosecution and defense in a criminal trial, or the plaintiff and defendant in a civil trial) present competing arguments and evidence to support their respective positions.
- [2.2] Due Process: Trials are conducted in accordance with principles of due process, ensuring that all parties have a fair opportunity to present their case, confront witnesses, and challenge evidence. This includes the right to legal representation, the right to be heard, and the right to a fair and impartial tribunal.
- [2.3] Burden of Proof: In both civil and criminal trials, the party bringing the case (the plaintiff or prosecution) has the burden of proof. This means they must present sufficient evidence to convince the judge or jury of the truth of their

claims or the guilt of the defendant, beyond a reasonable doubt in criminal cases and by a preponderance of the evidence in civil cases.

- [2.4] **Presumption of Innocence:** In criminal trials, defendants are presumed innocent until proven guilty. The burden is on the prosecution to establish the defendant's guilt beyond a reasonable doubt.
- [2.5] **Jury Trials vs. Bench Trials:** Trials can be conducted before a jury (jury trial) or solely before a judge (bench trial), depending on the nature of the case and the applicable legal rules. In a jury trial, the jury is responsible for determining the facts of the case and rendering a verdict based on the evidence presented. In a bench trial, the judge acts as both the trier of fact and the arbiter of law.
- [2.6] **Verdict:** At the conclusion of the trial, the judge or jury deliberates and renders a verdict based on the evidence presented and the applicable law. In civil cases, the verdict may include an award of damages or other relief. In criminal cases, the verdict determines the guilt or innocence of the defendant and may result in a sentence if the defendant is found guilty.

Trials play a critical role in the administration of justice, providing parties with an opportunity to resolve legal disputes in a formal, transparent, and impartial manner. They serve as a cornerstone of the legal system, ensuring that individuals are afforded their rights and that justice is administered fairly and equitably.

[3] THE DOCTRINE OF “AUTREFOIS CONVICT” AND “AUTREFOIS ACQUIT”

The principle *autrefois convict* means ‘formerly convicted’ and the principle *autrefois acquit* means ‘formerly acquitted’. The same principle is also accepted by the various Australian courts by the name “issue-estoppel”. *Autrefois convict* is a defense plea that is followed and accepted by the common law countries. This plea ensures that no person is convicted twice for the same offence. This plea will stop the entire proceeding. The concept of double jeopardy is also prevented by our Indian Constitution. Section 300 of the Code of Criminal Procedure, 1973

[4] PROCESS OF CRIMINAL TRIAL IN INDIA

The process of a criminal trial in India follows a structured legal framework outlined primarily in the Code of Criminal Procedure, 1973 (CrPC), and other relevant statutes. Here's an overview of the typical stages involved in a criminal trial in India:

[4.1] Filing of First Information Report (FIR):

- ✓ The process usually begins with the filing of an FIR by the victim or informant, providing information about the commission of a cognizable offense.
- ✓ The FIR sets the criminal justice system in motion and prompts the police to initiate an investigation.

[4.2] Investigation:

- ✓ Upon receiving the FIR, the police investigate the case, collect evidence, and gather witness statements.
- ✓ The investigating officer may arrest suspects, conduct searches, and gather forensic evidence to build a case.

[4.3] Framing of Charges:

- ✓ If the police find sufficient evidence, they file a charge sheet before the magistrate, detailing the accusations against the accused.
- ✓ The magistrate reads the charge sheet, examines the evidence, and frames charges against the accused, explaining the offenses they are alleged to have committed.

[4.4] Plea Bargaining (Optional):

- ✓ Before the trial begins, the accused may have the option to enter into a plea bargaining agreement with the prosecution, where they plead guilty in exchange for a lesser sentence.

[4.5] Trial:

- ✓ The trial begins with the examination of witnesses by the prosecution, followed

by cross-examination by the defense.

- ✓ Both parties present evidence, call witnesses, and make legal arguments to support their case.
- ✓ The court ensures that the trial proceeds fairly, hears objections from both sides, and resolves legal issues as they arise.

[4.6] Examination of Accused:

- ✓ The accused is given an opportunity to present their defense and produce evidence in their favor.
- ✓ The accused may choose to testify or remain silent, and their silence cannot be used against them.

[4.7] Closing Arguments:

- ✓ After the examination of witnesses and presentation of evidence, both parties make closing arguments summarizing their case and legal arguments.
- ✓ The prosecution and defense highlight key points and attempt to persuade the court to accept their version of events.

[4.8] Judgment:

- ✓ The court evaluates the evidence presented and delivers its judgment, either convicting or acquitting the accused.
- ✓ If the accused is found guilty, sentencing follows, where the court imposes an appropriate punishment based on the nature and severity of the offense.

[4.9]

- ✓ Either party may appeal the judgment to a higher court if they believe there were errors in the trial that affected the outcome.
- ✓ The appellate court reviews the trial record and legal arguments and may affirm,

modify, or reverse the lower court's decision.

This is a general overview of the process of a criminal trial in India, and specific procedures may vary depending on the nature of the offense, the court jurisdiction, and other factors. Additionally, the Indian legal system provides certain rights and protections to the accused, such as the presumption of innocence until proven guilty and the right to legal representation.

[5] CONCLUSION

The right to a fair trial is a fundamental principle of justice recognized in legal systems around the world, including India. It encompasses various procedural safeguards and principles aimed at ensuring that individuals accused of crimes receive a fair and impartial hearing before an independent and competent tribunal. In India, the right to a fair trial is enshrined in Article 21 of the Constitution, which guarantees the protection of life and personal liberty. The criminal trial process in India involves several key stages aimed at determining the guilt or innocence of the accused and administering justice fairly.

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