

BY
Dr. Amit Gopinathan
Guest-Faculty
Institute of Law
Jiwaji University
Gwalior (M.P.)

Subject: Moot Court

B.A. LL.B VI Sem

Unit-3

Topic : Pre-Trial Preparation and
Participation in Trial Proceedings in Criminal
Matters

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GENERAL-

- ❖ Civil proceedings begin when the plaint is filed similarly criminal proceedings begin when F.I.R. is lodged with the Police or any complaint is filed before the Court of Magistrate.
- ❖ Complaint is filed before the Court of Magistrate while the First Information Report is lodged by the Police Officer.
- ❖ When the First Information Report is lodged with the police, the stage of investigation starts and police proceeds to collect the evidence for prosecution.

- ❖ If any prima facie case is made out against the accused regarding the offence, police sends charge-sheet to the Court concerned.
- ❖ But during investigation if investigating officer finds that there is no sufficient evidence to support the prosecution against accused person, it will send Final Report (F.R.) to the concerning Court.
- ❖ Investigation inquiry and proceedings of trial are of great importance in criminal matter. Therefore, the students of Law should have sufficient knowledge of criminal proceedings. They should also have the knowledge of appeal, reference and revision.

IMPORTANT DEFINITIONS

- ❖ Section 2 (a) of Cr.P.C. “bailable offence” means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force, and “non-bailable offence” means any other offence;
- ❖ Section 2(b) “Charge” includes any head of charge when the charge contains more heads than one:

- ❖ **Section 2(c) “Cognizable offence” means an offence for which, and cognizable case” means a case in which a Police officer may, in accordance with the first schedule or under any other law for the time being in force, arrest without warrant.**
- ❖ **Section 2(d) “Complaint” means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.**

- ❖ **A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and**
- ❖ **The police officer by whom such report is made shall be deemed to be the complainant.**

THANK YOU