

# CRPC EXAM QUICK NOTES – ALL TOPICS (5 & 12/20 Marks)

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## SHORT NOTES (5 Marks Each)

### 1. Warrant & Summons (Sec 61-70)

Summons	Warrant
Notice to appear	Order to arrest & produce
Minor offences (<2 yrs)	Serious offences
No arrest	Police can break doors
Ignore → Warrant	Ignore → Proclamation

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### 2. Appeals (Sec 372-394)

- Challenging lower court decision in higher court
- Who: Accused, Victim, State | Time: 30-90 days
- No appeal in petty cases
- Higher court can confirm, reverse, modify

### 3. Transfer of Cases (Sec 406-412)

- Moving case from one court to another
- Grounds: Bias, inconvenience, fair trial danger
- High Court (within state) | Supreme Court (inter-state)

- Case continues from same stage

#### **4. Anticipatory Bail (Sec 438)**

- Bail BEFORE arrest (fear of false implication)
- Only for non-bailable offences
- Not for death/life imprisonment if prima facie evidence
- Conditions: cooperate, not leave country

#### **5. Habitual Offender**

- 3+ convictions for same serious offence (theft, robbery, etc.)
- Police surveillance, stricter bail, enhanced punishment
- Register maintained by State Govt

#### **6. Juvenile Justice Board (JJB)**

- For children <18 accused of crime ("child in conflict with law")
- Members: Magistrate + 2 social workers (1 woman)
- No ordinary jail → observation home, counseling
- 16-18 yrs for heinous crimes → may be tried as adult

#### **7. Summary Trial (Sec 260-265)**

- Speedy trial for petty offences (max punishment <6 months)
- No formal charge; brief evidence record
- Examples: Petty theft <₹200, public nuisance
- Judgment given immediately

#### **8. Child Welfare Board (CWB)**

- For children in need of care & protection (NOT criminals)
- Abandoned, orphaned, abused, begging children
- Chairperson + 4 members (1 woman)
- Sends to children's home, foster care, adoption

## 9. Irregular Proceedings (Sec 460-466)

- Minor procedural errors – NOT invalid
- Effect: Ignored unless failure of justice proved
- Different from "illegal" (no jurisdiction = void)

## 10. Investigation (Sec 154-173) – 11 Steps

FIR → Crime scene → Evidence collection → Witness exam (161) → Arrest → Search (165) → Remand (167) → Charge sheet/Closure report (173)

- Time limit: 60/90 days else default bail

## 11. Joinder of Charges (Sec 218-224)

- General rule: Separate charge for each offence
- Exception: Same transaction (same time, place, purpose) → tried together
- Saves time, avoids contradictory judgments

## 12. Public Nuisance (Sec 133-144)

- Act causing injury/danger/annoyance to public
- Sec 133: Magistrate orders removal (48 hrs)
- Sec 144: Emergency – prohibit assembly of 5+ persons

## 13. Bail (Sec 436-439)

Bailable Offence

Non-Bailable Offence

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Right to bail (Sec 436)

Court discretion (437/439)

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Police must grant

Factors: seriousness, evidence, flight risk

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- Cancellation: Violation of conditions

## **14. Complaint (Sec 2(d))**

- Allegation to Magistrate (NOT police)
- For non-cognizable offences or police refuses FIR
- Magistrate examines on oath → dismiss or issue process

## **15. FIR (Sec 154)**

- First information of cognizable offence to police
- Police CANNOT refuse | Free copy to informant
- Without FIR → no investigation
- False FIR punishable

## **16. Sessions Trial (Sec 225-237)**

- For death, life imprisonment, >7 years offences
- Procedure: Committal (209) → Public Prosecutor (225) → Discharge (227) → Charge (228) → Prosecution evidence (231) → Accused statement (313) → Defence (233) → Arguments → Judgment (235)

## **17. Warrant Trial by Magistrate (Sec 238-250)**

Police report case (238-243): Production → Discharge (239) → Charge (240) → Plea (241) → Prosecution evidence (242) → Accused statement → Defence → Judgment (248)

Complaint case (244-250): Complainant exam (200) → Process (204) → Prosecution evidence (244) → Discharge (245) → Charge (246) → Defence (247) → Judgment

## **18. Arrest & Police Powers (Sec 41-60)**

- Arrest without warrant for cognizable offences

- Rights: Grounds (50), Lawyer (41D), Magistrate within 24 hrs (57), Inform family (50A), Medical exam (54)
- Women: No night arrest (sunset to sunrise)

## 19. Complaint vs FIR

Complaint	FIR
To Magistrate	To Police
Any offence	Only cognizable
Oath required	No oath
No automatic copy	Free copy
Magistrate may dismiss	Must register

## 20. Bail & Probation

Bail	Probation
During trial	After conviction
Release pending trial	Release without jail
Sec 436-439	Probation of Offenders Act, 1958
Any offence	First-time, <2 yrs punishment

## 21. Appeal vs Transfer

Appeal	Transfer
Challenges decision	Changes location
Higher court	High Court/Supreme Court
Re-hearing	Same case continues
Time limit 30-90 days	No time limit

## 22. Fair Trial (Theory)

- Fundamental right under Art 21
- Essentials: Impartial judge, open court, presumption of innocence, right to lawyer, cross-examination, speedy trial, judgment with reasons
- Cases: Maneka Gandhi, Hussainara Khatoon, Zahira Habibullah

## 23. Maintenance (Sec 125)

Claimants: Wife, minor children, disabled adult children, parents

Liable: Husband, father, adult children

Enforcement: Warrant → Attachment → Jail (max 1 month)

- Amount: ₹5,000-20,000 typical (no legal limit)

## 24. Security Proceedings (Sec 106-124)

- Preventive – bond for good behaviour
- Sec 106 (after conviction), 107 (breach of peace feared), 108 (seditious), 109 (suspected persons), 110 (habitual offenders)
- Violation = forfeit bond + imprisonment

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## **LONG ANSWERS (12-20 Marks Each)**

### **1. Trial of Warrant Cases by Magistrate (Sec 238-250)**

Two types:

A. Police Report Case (238-243):

Production & document furnishing (238) → Discharge if no ground (239) → Frame charge if prima facie case (240) → Guilty plea? Convict (241) → Prosecution evidence (242) → Accused statement (313) → Defence evidence (243) → Judgment (248)

B. Complaint Case (244-250):

Complainant exam on oath (200) → Issue process (204) → Prosecution evidence (244) → Discharge (245) → Frame charge (246) → Guilty plea? Convict → Defence (247) → Judgment (248)

Key differences: Discharge stage (239 vs 245); Compensation for false case only in complaint (250)

### **2. Trial before Sessions Court (Sec 225-237)**

13 Steps:

1. Committal by Magistrate (209)
2. Public Prosecutor appointed (225)
3. Opening statement (226)
4. Discharge if no ground (227)
5. Frame charge (228)
6. Guilty plea? Convict (229)
7. Fix date for evidence (230)
8. Prosecution evidence – witnesses examined, cross-examined (231)
9. Accused examination (313)
10. Defence evidence (233)
11. Arguments (234)
12. Judgment (235)

### 13. Sentence (235(2))

Features: Public Prosecutor mandatory; death sentence possible (needs HC confirmation)

## 3. Framing of Charges (Sec 211-224)

Contents (211): Offence name & section, particulars (time/place/person), law violated, previous conviction if relevant

When framed: Warrant cases (240/246); Sessions (228); Summons cases – NO formal charge

Joinder rules: Separate for distinct offence (218); Same transaction together (220); 3 same-kind offences in 12 months together (219)

Error effect (215): Not fatal unless failure of justice

## 4. Process to Compel Appearance (Sec 61-90)

Summons (61-69): Written notice to appear. Service: personal, adult family, post, affixation. Ignore → Warrant

Warrant (70-81): Arrest order. Types: bailable/non-bailable/open/perpetual. Police can break doors. Produce within 24 hrs

Proclamation & Attachment (82-86): For absconders. Proclamation with 30+ days to appear. If fails → property attachment (83) → sale after 6 months (84)

## 5. Jurisdiction of Criminal Courts (Sec 177-189)

Territorial (177): Offence tried where committed

Exceptions (178-179): Journey offence (starting/destination); Act-consequence different (either place); Theft (where stolen OR possessed); Cheating (deception OR delivery)

Pecuniary:

Court

Max Imprisonment

Max Fine

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Sessions	Death/Life	Unlimited
CJM	7 yrs	Unlimited
JMFC	3 yrs	₹10,000
JMSC	1 yr	₹5,000

## 6. Constitution & Powers of Criminal Courts (Sec 6-35)

Hierarchy: Supreme Court → High Court → Sessions Court → JMFC → JMSC

Courts: Court of Session, Judicial Magistrates (1st & 2nd Class), Executive Magistrates (preventive functions)

Powers: Sessions – any sentence including death; CJM – 7 yrs; JMFC – 3 yrs/₹10,000; JMSC – 1 yr/₹5,000

## 7. Arrest Provisions (Sec 41-60)

Types: With warrant, without warrant (cognizable offences), by private person (43)

When arrest without warrant (41): Cognizable offence, proclaimed offender, stolen property possession, obstructing police, deserter, gambling

Rights: Grounds (50), Bail info for bailable offence (50(2)), Lawyer (41D), Magistrate within 24 hrs (57), Inform family (50A), Medical exam (54)

Remand (167): Police custody max 15 days; Judicial custody 60/90 days

## 8. Powers of Police in Cognizable Offences (Sec 154,156,157)

Powers: Register FIR (154) – cannot refuse; Investigate without magistrate order (156); Arrest without warrant (41); Search without warrant (155); Seize property (102); Summon witnesses (160); Examine witnesses (161)

Duties: Send FIR copy to magistrate; Complete quickly; File charge sheet within 60/90 days; No torture

## **9. FIR & Its Importance (Sec 154)**

Definition: First information of cognizable offence recorded by police

Procedure: Oral/written → reduced to writing → read to informant → signed → entered in daily diary → free copy to informant → copy to magistrate

Importance: Sets law in motion; First version (no manipulation); Corroboration/contradiction tool; Check on police

Remedy if police refuse: Complain to SP (154(3)) → Magistrate under 156(3) or 200

## **10. Investigation Process (Sec 154-173)**

11 Stages:

1. Information/FIR (154)
2. Proceed to spot (157)
3. Collect evidence
4. Examine witnesses (161)
5. Medical exam (53,54)
6. Arrest (41)
7. Search (93-105,165)
8. Call records/CCTV
9. Remand (167)
10. Final report – charge sheet or closure (173)
11. Magistrate action (190,173)

Time limits: Death/life/>10 yrs – 90 days for charge sheet; Others – 60 days; Else default bail

## **11. Security for Peace & Good Behaviour (Sec 106-124)**

Types: 106 (after conviction for violence), 107 (breach of peace feared), 108 (seditious), 109 (suspected vagrants/robbers), 110 (habitual offenders – 3+ convictions)

Procedure: Magistrate order (111) → Service (113) → Inquiry (116) → Interim bond possible (116(3)) → Final order (117) → Bond with sureties for up to 3 years → Failure = imprisonment (6 months to 3 years)

## **12. Complaint to Magistrate Procedure (Sec 200-203)**

Steps: Complainant exam on oath (200) → May postpone for inquiry (202) → If no ground → Dismiss with reasons (203) → If sufficient ground → Issue summons/warrant (204) → Then proceeds as warrant case (244-250)

## **13. Maintenance (Sec 125) – Detailed**

Claimants: Wife (including divorced), minor children (legit/illegit), disabled adult children, parents

Liable: Husband, father, adult children

Exclusion for wife (125(4)): Living in adultery, refused to live with husband without reason, mutual consent separation

Procedure: Application → Summary evidence → Order monthly allowance (no limit) → Enforcement by attachment/jail (max 1 month)

## **14. Probation Officer – Powers & Duties**

Powers: Investigate & report; Supervise; Visit; Advise/counsel; Require attendance; Recommend extension/revocation

Duties: Pre-sentence report; Ensure compliance; Rehabilitation; Maintain records; Report violations; Confidentiality; Assist families

## **15. Reference, Revision & Appeal (Sec 395-405)**

Appeal

Reference

Revision

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Who	Aggrieved party	Lower court	Party or court suo motu
Ground	Error of fact/law	Doubt about law's validity	Error of jurisdiction
Right	Statutory	Duty of court	Discretionary
Re-hearing	Yes	No	No

## 16. Transfer of Cases (Sec 406-412)

Grounds: Bias, inconvenience, fair trial endangered, multiple courts for same offence

High Court (407): Within state; may refuse if frivolous or advanced stage

Supreme Court (406): Between states; for ends of justice

## 17. Execution, Suspension, Remission, Commutation (Sec 413-435)

Term	Meaning	Who	Effect
Suspension (389)	Postponement	Appellate court	Temporary
Remission (432)	Reduce duration	Government	Permanent (can cancel)
Commutation (433)	Change nature	Government	Irreversible

Commutation examples: Death → Life; Life → 14 yrs; Rigorous → Simple

## 18. Rationale of Criminal Procedure & Fair Trial (Theory-20 marks)

Rationale (7 points):

1. Prevent arbitrary power
2. Ensure fair trial (Art 21)
3. Provide uniformity
4. Balance speed & thoroughness
5. Protect vulnerable (women, juveniles)
6. Prevent crime (preventive justice)
7. Provide remedies (appeal, revision)

Fair Trial Essentials (12 points):

Impartial judge, open court, presumption of innocence, right to know charges, right to lawyer, right to cross-examine, right to defence evidence, speedy trial, no double jeopardy, right to be present, right to examine witnesses, judgment with reasons

Landmark cases: Maneka Gandhi (just & fair procedure), Hussainara Khatoon (speedy trial), Zahira Habibullah (fair trial cornerstone)