



# TARGET GROUP

C.J.M., A.C.J.M. & Sub Judge having JM Power



# Issues to be discussed.

- Cognizance
- Charge
- Evidence
- Statement under section 313 CrPC



# QUIZ - 1



- Qus. Accused was on bail, after that he is absent at the stage of Evidence. Whether the court can proceed for Evidence u/s 299 (1)A CrP.C.(Jharkhand Amendment) without service of summons ?

# Answer



- Sec. 299(1)A CrPC as applicable in Jharkhand.
- The court cannot proceed under this section without first ensuring service of summons to the accused. The provision explicitly states that the court may proceed with the inquiry or trial in the absence of the accused after service of summons.

# Quiz -2



- Qus. In Complaint Case, when Notice to accused u/s 223 BNSS be issued, before order of Prima Facie or after order of Prima Facie?

# Answer -2



- **Sec. 223 of BNSS.**
- **Basanagouda R. Patil (Yatnal) v. Sri Shivananda S. Patil (Criminal Petition No. 7526 of 2024) (Karnataka HC)**
- The notice to the proposed accused to be issued after recording S.A. and examining inquiry witnesses and before passing order under Section 226 (dismissal) or 227(issue of procees) BNSS.



# Quiz- 3



- **Question- Case of the Charge sheeted accused has been committed to Session court, then Final Form against remaining accused has been submitted as lack of evidence. Whether J.M. can apply his judicial mind for further proceeding or will he send it to Session court?**

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# Answer

- Dharampal vs State of Haryana [ (2014) 3 SCC 306]
- Hardeep Singh Vs. State of Punjab [AIR 2014 SC 1400]
- Bigan Mian @ Siraj Mian vs State Of Jharkhand [2014 (4) AJR 292] – Hon'ble Jharkhand HC

# Quiz 4



- Whether it is open for magistrate to look into the document produced by defence at the time of hearing discharge petition?

# Ans-4

- State of Orissa vs Devendra Nath Padhi (AIR 2005 (SC) 359)



# Quiz - 5



- Que. Whether the accused can invoke the provision as given under Sec. 91 CrPC at the time of hearing on discharge petition?

# Ans-5

- **Nitya Dharmananda v. Gopal Sheelum Reddy**, (2018) 2 SCC 93 : (2018) 1 SCC (Cri) 458 : 2017 SCC OnLine SC 1430 at page 95
- 5. It is settled law that at the stage of framing of charge, the accused cannot ordinarily invoke Section 91. However, the court being under the obligation to impart justice and to uphold the law, is not debarred from exercising its power, if the interest of justice in a given case so require, even if the accused may have no right to invoke Section 91. **To exercise this power, the court is to be satisfied that the material available with the investigator, not made part of the charge-sheet, has crucial bearing on the issue of framing of charge.**

# Quiz- 6



- Accused “X” is facing Trial u/s 302 of IPC. The accused person belongs to ST community and cannot afford private advocate. Under given circumstances he approaches to the Sec., DLSA and in turn Mr. Ramesh Shrivastav, an advocate having seven years experience is provided to him. The trial is concluded and ended in conviction. This point was raised at the point of hearing on sentence. Discuss its impact.



# Ans. 6

- AnokhiLal vs. State of M.P. [AIR SC 2020 Pg. 232]



# Quiz 7



- A, B, C, D and E are charged for committing Dacoity and Murder punishable u/s 396, 201 IPC. Whether they can be convicted for the offence punishable u/s 302 of IPC, though no specific charge has been framed ?

# Ans. 7

- Yes, Rafiq Ahmad Vs. State of UP [AIR 2011 (SC) 3114]



# Quiz- 8



- A, B, C, D & E are charged for the offence punishable u/s 147, 148, 323/149 IPC. Whether they may be convicted simultaneously u/s 147 & 148 IPC?

# Ans- 8

- Vinubhai Ranchhodbhai Patel v. Rajivbhai Dudabhai Patel, (2018) 7 SCC 743 : (2018) 3 SCC (Cri) 340 : 2018 SCC OnLine SC 537 at page 752
- Para 18. By definition of the offences covered under Sections 147 and 148 [ Section 146 IPC defines the offence of rioting. Section 147 IPC prescribes punishment for offence of rioting. Section 148 IPC prescribes punishment for offence of rioting armed with deadly weapons.] , a person cannot be charged simultaneously with both the offences by the very nature of these offences. A person can only be held guilty of an offence punishable either under Section 147 or Section 148.

# Problem 1



- Accused Vijay Kumar was returning on a motorcycle and proceeding towards Dhurwa Dam. Near Dhurwa Bus Stand, Ramesh met him and asked for lift. On way near Judicial Academy, Ranchi, there was a police checking. On being checked, one country made pistol along with two live cartridges of 7.65 mm was found in possession of accused Vijay Kumar. After due investigation, charge sheet was submitted against both accused persons Vijay Kumar and Ramesh under Section 25(1-A), 26, 35 of Arms Act. On inspection of Ballistic Expert Report, it is found that seized



## Problem 2

- Ram, Shvam and Ashok entered into conspiracy and pursuant thereto, they met on 04.01.2025 at Kaveri Restaurant, Ranchi and decided to take revenge from Kalmuddin with whom they had prolonged enmity arising out of land dispute. On 05.01.25 they purchased knife from a shop at Main Road, Ranchi and asked Gaftur and Rauf to kill to Kalimuddin, Both Rauf and Gaffur agreed and thereafter in the morning of 06.01.2025 near Hatia Railway crossing, when Kalimuddin was returning from Dhurwa, he was stabbed by Rauf and Gaftur causing several simple and grievous injuries on various parts of