



Chapter - 23

CRIMINAL JUSTICE SYSTEM

NOTES:

- When someone violates the law, we think of informing the police.
- Owing to the role played by the police in arresting culprits, we often get confused and think that it is the police who decide whether a person is guilty or not. However, this is not true.
- After a person is arrested, it is the court of law that decides whether the accused person is guilty or not.
- According to the Constitution, every individual charged of a crime has to be given a fair trial.
- Trial and investigation entails a diverse range of work including arresting, recording the statements of witnesses, defending the victim and accused parties, passing a fair trial and judicially correct judgement.
- **The Role of the Police in Investigating a Crime:** The Supreme Court of India has laid down specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person.
- **First Information Report (FIR):** It is with the registration of an FIR that the police can begin their investigations into a crime.
- The law states that it is compulsory for an officer in charge of a police station to register an FIR, whenever a person gives information about a cognizable offence. This information can be given to the police either orally or in writing.
- **Role of a Public Prosecutor:** The role of the Prosecutor begins once the police has conducted the investigation and filed the chargesheet in the court. He/she has no role to play in the investigation.

- **The Role of the Judge:** The judge conducts the trial impartially and in an open court. He sends the person to jail or imposes a fine or both, depending on what the law prescribes.
- Article 21 of the constitution guarantees the Right to Life.
- Article 22 of the constitution and Criminal Law guarantee the following Fundamental Rights to every arrested person:

1. The right to information at the time of arrest of the offence for which the person is being arrested.
2. The right to presentation before a magistrate within 24 hours of arrest or in custody.
3. Confessions made in police custody not to be used as evidence against the accused.
4. A boy under 15 years of age and a woman cannot be called to the police station for questioning.



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