

Code of Criminal Procedure, 1973

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Criminal Justice System



- ***Due process model*** and ***Crime Control Model*** CJS.
- Inquisitorial and adversarial.
- Presumption of innocence
- Fair trial....Free legal aid.....open court.....right to go for appeal.

Key Players of the Criminal Justice Process

- Police
- Prosecutors
- Judges
- Jail authorities
(Forensic Experts)

Definitions

- Cognizable offence and non cognizable offence
Sec 2 (c) Cr.P.C.
- 2 (a)Bailable Sec 436 and Sec 436(A) (2005 Amendment) and Non-Bailable offence Sec 437 .
- Compoundable and non compoundable Offence(
Sec 320 of Cr.P.C).
- Sec 2 (h) Investigation: proceedings for the
collection of evidence by the police officer.
- 2(x) Warrants Case: imprisonment exceeding two
years.

CLASSES OF CRIMINAL COURTS

- Sessions Courts
- Judicial Magistrates Courts (Rural)
- Metropolitan Magistrates Courts (Urban)
- Executive Magistrates (Collector, RDO)
- District Magistrate ---- Sub Divisional Magistrate --
- Powers of Executive Magistrates:
- Preventive arrests of people disturbing the law and order,
Sec 144, sec 133, Prohibitory orders, Inquest.

Hierarchy of Courts

- Supreme Court
 - High Court
 - Sessions Court
 - Magistrate Courts (Metropolitan Courts)
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Remedy if Police refuses

Complaint”: 2(d)

(Private Complaint)

“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”.

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

Prosecution of judges and public servants

- No court can take cognizance of any offence alleged to have been committed by a person who is or was a judge or magistrate or a public servant, not removable from his office save by or with the sanction of the government while acting or purporting to act in the discharge of his official duty except with the previous sanction of the appropriate union or the State Government
- S. 197(3),(3A)

Place of Trial

- A kills B in Nagpur and was arrested in Bombay.
Sec 177 : Where the offence is committed.
- A kidnaps B from Calcutta, confined B in Delhi and kills in Bombay.
- Sec 178: any of the places where the offence is committed.
- Mr Kishore calls Mr Sanjay from Nagpur and asks him to plant bomb in the parliament
- Sec 179 : where the consequence ensued.
- Mr Kapoor writes a letter from Nagpur to Sonipat through which the cheating took place.
- Sec 182: Place where the delivery of the property took place.
- Miss Shetty was travelling from Nagpur to Delhi and commits a theft in Bhopal.
- Place where the offence is committed Sec 183
- State Government can order for the trial in any place Sec 185 and 186.
- Power to issue summons beyond local jurisdiction Sec 187.

Case Study

- Faddi v. State of MP

Faddi lodges an FIR that his step son was found dead in a well.

- Mrs Lakshmi beheads her husband, puts the severed head in a gunny bag and goes to the police station, makes a statement.

Is this an FIR?

Process to compel the production of things

- S 92 : **summons to produce things or documents:** court or police officer can issue summons
- For the production of documents or things
- Will, forged documents, blood stained knife, documents containing specimen signatures

S 93 : Search Warrant

- when there is a reason to believe that the person served summons would not produce the documents or things
- Specific search: place and person are known
- Roving search : general search

F.I.R

First Information Report

- Cognizable Case : Sec 154.
 - application in writing.
 - Telephonic message, email, letter.
 - police officer refuses to complain to the higher authority.
 - anyone can complain.
 - Police officer arrests and proceeds to the investigation.
- Non Cognizable Case: Sec 155.
 - No investigation without the permission of the magistrate
- Delay in lodging of FIR.

Search of place suspected to contain stolen property, forged documents...S 94

- Counterfeit coins
- Counterfeit stamps
- Forged documents
- False seals
- Obscene objects referred to s 292

Power to declare certain publications forfeited and to issue search warrants

S 95

- Any news paper, or book, any document
- Any matter punishable under S 124A, 153A or B or S 292 of *IPC*
- By notification declare every copy of that news paper to be forfeited
- DM can authorise any police officer to search the premises.

Search for persons wrongfully confined: S 97

- The DM or Sub Divisional Magistrate may issue a search warrant to search any premises if he has reason to believe that under suspicious circumstances some people are confined which amounts to an offence

Power to compel restoration of abducted females: S 98

- Female child below 18 years
- Any female
- Confined or abducted for any unlawful purpose
- The DM can make an order for the immediate restoration of such female to her liberty
- Female child to its parent or guardian
- Necessary force can be applied

Procedure for Search: S 100

- The incharge of the place must allow the ingress to the police officer
- Otherwise force can be used by the Police
- If any article is being concealed personal search is also allowed
- The search shall be conducted in the presence of two respectable inhabitants of the locality

Contd.

- List of all things seized shall be made which will be signed by the witnesses

Security for keeping the peace and for good behaviour

- S 106 : security for keeping the peace on conviction
- Offences like assault, criminal force, 153A and 153B.
- S 107 : Exe-Magistrate receives information that a person is going to disturb the public tranquility
- S 108 : Security for good behaviour from the people who are disseminating seditious matters
- Ss 109: security for good behaviour from suspected persons

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- S 110 : security for good behaviour from habitual offenders
 - By habit a robber, house breaker, thief
 - By habit receiver of the stolen property
 - Habitually commits or attempts to commit or abet the offence of kidnapping, abduction, extortion, cheating, mischief

Maintenance of Public Order and Tranquility : Chapter X

- **Dispersal of assembly by use of civil force**
: **S 129** – any unlawful assembly is likely to cause disturbance the EM can issue an order to disperse otherwise use force through police
- **Use of armed forces to disperse assembly: S 130** – if such assembly cannot be otherwise dispersed the EM may cause it to be dispersed by the armed forces

Contd..

- **Power of certain armed forces to disperse the assembly S 131:** no EM was available any gazetted rank officer of the armed forces can disperse the assembly.
- **Protection against prosecution for acts done under preceding sections:** no prosecution can be instituted : S 132

Public Nuisances

- **S 133: Conditional removal of public nuisance:**
- **Any Exe-Magistrate**
- **May issue a conditional order**
- **For the following six categories of public nuisance**
 - **Unlawful obstruction of any public place**
 - **Conduct such trade or occupation injurious to public health**
 - **Construction of building harmful to lives**
 - **Any building or vessel, tree in such condition as is likely to fall**
 - **Any tank/ well /excavation not fenced**
 - **Any dangerous animal**

Ratlam Municipality v Vardhichand

AIR 1980 SC 1622

- Drainage in the middle of the road
- Open drainage, mosquitoes
- No public latrines and the roads were used by the people living in the slums
- Order passed under 133 to remove the nuisance within six months
- Mandatory import
- Case went till the Supreme Court
- Municipality argued that they don't have money to exercise the duty

Supreme Court Judgment

- S 133 is categoric although reads discretionary. **Judicial discretion when facts for its exercise are present has a mandatory import.** The sub divisional magistrate has before him info and evidence of public nuisance and on the materials placed, he considers that such unlawful obstruction should be removed from any public place, **he shall act.** Failure to comply with the direction will be visited with a punishment contemplated by **s 188 IPC**

Ramavatar v. State of UP

AIR 1962 SC 1799

- Veg auction house located in the market street, bullock carts were parked on either side of the road
- Cause of public nuisance
- Obstruction to passers by
- Lot of noise produced

Conflict between Pollution Acts and S 133

- This power is to prevent public nuisance and involves urgency
- If the magistrate fails to take recourse immediately irreparable damage would be done to the public.
- It does not deal with all potential nuisance and in the other hand when the nuisance is in existence
- This is preventive and a temporary remedy
- Not penal

Urgent Cases of Apprehended Danger : S 144

- Any ex parte magistrate can impose s 144
- When there is apprehended danger to the public tranquility,
 - public order, health, safety, security
- Obstruction or annoyance to any person lawfully employed.
- Order can be specific
- Ex parte – order can be issued
- Provision for appeal to the same magistrate
- On the application of the victim or suo mottu order to be arrested
- Order for 2 months
- With the consent of Govt till six months

S 144

- Babulal Parate v state of maharashtra
- Clash between two majdoor unions, strike in front of one of the unions. Specific order
- Madhu Limaye, a communist leader for minimum wages. Wanted to conduct a meeting, 144 was issued, a procession was lead he was arrested

Offences committed outside the India

- Offence committed by Indian citizen outside the Indian territory Sec 188. with the previous sanction of the Central Government.
- Power of central Government to receive the evidence from other countries Sec 189.

Double Jeopardy

- A is tried upon a charge of theft and acquitted. Can he be prosecuted again?
- A is charged for causing grievous hurt and convicted. The person injured died afterwards.
- Mr Sunil is charged with culpable homicide with murder and convicted. On the same facts tried for Murder.

S 300.

Who can Prosecute

- Prosecution for contempt of lawful authority of public servants the Public servant can withdraw the complaint. Sec 195.
- Sanction for Prosecution: Sec 197: from the concerned government.
- Prosecution of Offences against marriage: only aggrieved party can make the complaint. Sec 198
- Idiot, lunacy, minor .
- Adultery only the husband is the aggrieved party.
- Prosecution for cases of defamation. Only the aggrieved party.
- Prosecution of President of India, Vice President, Minister of any government....Prosecutor will complain and the sessions court takes cognizance.

Investigation

- First Information Report (F.I.R) (Sec 154).
- How to conduct the Investigation? (Sec 157)
- Interrogation (Sec 160,161 and 162)
- Police Custody, Judicial Custody (Sec 167)
- (Interim Bail)
- Case Diary Sec 172
- Search and Seizure (Summons, Search Warrant) Sec 100
- Final Report (Chargesheet) Sec 173
- Inquest Report (Sec 174)
- Judicial Inquest (custodial death, custodial Rape) 176.

Initiation of Proceedings

- Taking cognizance of the offence: Sec 190
 - a) Complaint
 - b) Police report
 - c) suo mottu
- Transfer of case on the application of the accused Sec 191.
- Make over of the case to any competent magistrate or a subordinate magistrate. Sec 192.

Complaints to Magistrates

- Sec 190- Taking Cognizance.
- **Examination of the Complaint:** Sec 200
Magistrate examines the complainant and witnesses upon oath
- Compliant by the Public Servant. Examination not necessary.

■ Postponement of issue of process:

the Magistrate : inquire himself, order for investigation S 202.

- Dismissal of Complaint: no sufficient ground for proceeding S 203.
- Issue of process : summons or warrants S.204.
- Complaint case ...copy of the complaint along with summons.
- Magistrate may dispense with personal attendance S 205.

Arrest



- By Police, Magistrate (surrender), ordinary citizen
- How to arrest ? Handcuffs ???
- Encounter ?
- Powers of the police officers to arrest (preventive action sec 156)
- Rights of the Arrestee, legal counsel, medical examination, to be informed of grounds of arrest.
- Powers of Executive Magistrates (Security for keeping the peace Sec 107, disseminating seditious material)
- Sec Preventing nuisance 133 and Sec imminent danger to law and order Sec144

Special Summons in Petty cases

Revenue Cases S 206

- Offence punishable by Rs 1000 fine – Petty offence.
- Fine through post or pleader.
- Summons – amount of fine.

Bail

- Bail in a Bailable Offence (Sec 436)
- Bail in a Non Bailable Offence (Sec 437, 439)
- Amarmni Tripathi, Jayendra Saraswathi
- Anticipatory Bail (Sec 438)
- Canecellation of Bail
- Bail Bonds



Procedure when there is both complaint and police investigation.

S 210.

- A Revenue officer lodges an FIR against B and B files a complaint with the Magistrate.
- Stay the proceedings of the Complaint case.
- If the accused is the same in both treat both cases as Police report cases.
- Otherwise proceed with the enquiry.

Charges

- Notice to the accused Sec 211- 223
- Framed by judge
- Joinder of trial
- Joinder of persons
- Alteration of charge

Charge: Sec 211 of Cr.P.C.

“ I K.V.K.Santhy, 1st class Magistrate hereby charge you Mr. RV Agarwal (the accused) as follows:

“ that on 12.12.2006 at Nagpur not belonging to the class of public servants to wit or wore a garb resembling a garb used by the said class of public servants and likely to be believed that you belonged to the said class of public servants and thereby committed an offence punishable under sec 171 IPC and within my cognizance”.

“And I hereby direct that you be tried on the said charge”

Joinder of Charges

- **Three offences of same kind within one year**

When a person is accused of more offences than one of the same kind committed within one year, whether in respect of the same person or not, he may be charged with and tried at one trial for any number of them not exceeding three

- **Offences of criminal breach of trust or misappropriation of property connected with falsification of accounts**

When a person charged with one or more offences of criminal breach of trust or dishonest misappropriation of property is accused of committing falsification of accounts for the purpose of facilitating or concealing the commission of such offence, he may be charged with and tried at one trial for every such offence.

- **Same Act constituting different offences**

If the acts alleged constitute an offence falling within two or more separate definitions of any law, the person accused of them may be charged with and tried at one trial for each of such offences.

- **Same acts constituting one and also different offense**

If several acts of which one or more than one would by itself or themselves constitute an offence, and constitute a different offence when combined, the person accused of them may be charged with and tried at one trial for individual offences as well as the combined offence

Approver or Accomplice

Tender of Pardon

S 306-308

- Serious offences – offences punishable by imprisonment by seven years
- Sessions case
- Directly or indirectly involved.
- Any stage of inquiry, investigation or trial.
- Condition of his making full disclosure of events
- Shall be examined as witness.
- Be detained in the trial.

- PP certifies that the accomplice is
- Giving false evidence
- Concealing an important truth
- Not complying with the pardon
 - Cancellation of the pardon
 - Otherwise judgment of acquittal.

Power to post phone or adjourn proceedings delay in conducting the trial

- Trial conducted day by day
- Examination of Witnesses/ in attendance no adjournment
- Reasons for adjourning the case.
- Court can inspect the scene of offence and record a memorandum. S 310.
- Power to summon material witness or examine present S 311.
- Power of the Magistrate to give specimen signatures (clash between Art 20(3)) 2005 amendment Act.
- Expenses to be paid to the complainant and witnesses by the Government. S 312.

Power to examine the accused

- At any stage
- Without previous warning
- Question the witness
- Without taking oath
- Accused is a competent witness S 315.
- No influence to be used to induce disclosure S 316.

Compounding of offences S 320

- With the permission
- Without the permission.

Withdrawal from prosecution

S 321

- 1. Under the scheme of the Code prosecution of an offender for a serious offence is primarily the responsibility of the executive.
- 2. The withdrawal from the prosecution is an executive function of the Public Prosecutor.
- 3. The discretion to withdraw from the prosecution is that of the Public Prosecutor and none else, and so, he cannot surrender that discretion to someone else.
- 4. The government may suggest to the Public Prosecutor that he may withdraw from the prosecution but none can compel him to do so.
- 5. The Public Prosecutor may withdraw from the prosecution not merely on the ground of paucity of evidence but on other relevant grounds as well in order to further the **broad ends of public justice, public order and peace**. The broad ends of public justice will certainly include appropriate social, economic and, we add, political purposes sans Tammary Hall enterprises.

- 6. The Public Prosecutor is an officer of the court and responsible to the court.
- 7. The court performs a supervisory function in granting its consent to the withdrawal.
- 8. The court's duty is not to reappreciate the grounds which led the Public Prosecutor to request withdrawal from the prosecution but to consider whether the Public Prosecutor applied his mind as a free agent, uninfluenced by irrelevant and extraneous considerations. The court has a special duty in this regard as it is the ultimate repository of legislative confidence in granting or withholding its consent to withdrawal from the prosecution.

cases

- Rajender Kumar Jain (George Fernandes Case)
- Abdul Kareem (Veerappan's case)

- Court to be open.
- Sec 327
- In camera proceedings
- Printing or publishing any matter relating to *in camera* proceedings is prohibited.

Trial

- Summary trial
- Summons Trial
- Trial of Warrants case A) Instituted upon police report , B) Instituted upon Complaint
- Sessions Trial

Judgment

- Pronouncement of Judgment
- Sentencing
- Death Penalty – paradigm shift
- Hanged till death (lethal injection)
- No alteration in the Judgment



Appeal

- Extended Trial
- Appeal from Conviction
- (Alteration of Sentence, Enhancement of Sentence, Reversal)
- Appeal from Acquittal
- Dismissal in limine

Revision

- Complaint to the higher court
- Correctness, Legality or Propriety of any finding, sentence or order.
- Sec 397 to 402
- Order for denovo trial

Transfer and Withdrawal of Cases

- Sec 406.
- Fair and Impartial Enquiry, unusual difficulty, general convenience of witnesses.
- Sec 409.
- Withdraw a case from the lower court

Commutation, Suspension and Remission of Sentence

- Sec 432 : suspension of sentence
- Remission
- Commutation
- Sec 433 : death for any sentence
- Life to 14 years
- 433A : amendment
- Mass amnesty



Shivani Bhatnagar's Murder Case



- **January 23 1999:** Shivani Bhatnagar, an Indian Express journalist, murdered at her East Delhi apartment.
- **July 23, 2002:** Police arrest Sri Bhagwan, son of a former Haryana police officer, who had worked under IPS officer Ravi Kant Sharma.
- **August 2:** Delhi Police raids R K Sharma's residence at Panchkula in Haryana but is unable to apprehend him. Pradeep Sharma, another alleged conspirator, arrested.
- **August 6:** Panchkula court rejects R K Sharma's interim bail application
- **August 7:** Delhi police release R K Sharma's picture and declares a reward of Rs 50,000
- **August 8:** R K Sharma's wife Madhu alleges involvement of "an influential person", demands CBI probe.

- **August 12:** Delhi police get forensic report on the handwriting and finger prints of one of accused Pradeep Sharma. R K Sharma files **bail** plea in a Delhi court.
- **August 13:** R K Sharma's bail plea **rejected by a Delhi session's court.**
- **August 15:** R K Sharma's wife Madhu alleges involvement of BJP leader Pramod Mahajan in Shivani's murder. Mahajan refutes allegations and says he shared a purely professional relationship with Shivani.
- **August 16:** Delhi Police give clean chit to Pramod Mahajan.
- **August 17:** Police confirm arrest of co-accused Satya [\[Images\]](#) Prakash in the case.

- **August 18** : Another accused, Ved Prakash Sharma, picked up by police.
- **August 23**: R K Sharma suspended from service.
- **September 27** : R K Sharma surrenders in Ambala.
- **September 28** : R K Sharma sent to police custody.
- **October 8**: Police claim R K Sharma has confessed killing Shivani; Sharma's counsel files contempt application against the police.
- **October 25**: Police file chargesheet in Shivani murder case, charging R K Sharma for her murder and alleged he had given her classified government documents.
- **January 4, 2003**: Case committed for sessions trial.
- **March 3**: Court frames charges against Sharma and other five accused.
- **March 20**: Trial commences.
- **January 23, 2005**: Shivani case sent to fast-track court.

Problems in Investigation:

- Police officers admit that when an accused happens to be a superior at work, there are difficulties.
- “See what has happened in Mumbai. Sunil More, a police constable, was tried and punished promptly. But here the case is different. Sharma is a very senior officer and not a constable. We are all conscious of the fact that he may get away... **I would be lying if I say that this consideration does not play in our minds,**” says a cop who was involved in the investigation.

Problems of Hostile Witnesses

- family member of one of the co-accused, “Sharma gets most of what he demands from the court. He gets month-long **payrolls (parole)** (leave granted to prisoners under extenuating circumstances), he is allowed to attend his daughter wedding, and is allowed to stay in hospital for over a month. He is treated like a **chaudhary (lord)** in the court. He gets all the amenities in the jail. What does my relative get? Why is there is so much of discrimination in the treatment among co-accused. What message does this send?”

- “Displays of influence by the accused (Sharma) in the courtroom has a detrimental effect on the witnesses,” says a cop.
- This could explain why so many witnesses have turned hostile. “Disparaging comments are passed on the witness within the judges’ audible range.
- I remember Sharma’s daughter calling a witness who is a friend of Shivani, **a bitch** in courtroom. No action was taken. Fighting a case is the most horrendous thing in India,” says a friend of Shivani’s. “I do not want my name to be quoted or else they’ll get another reason to delay the case.”

Hostile witness

- **Till now, the court has recorded the statements of only 193 witnesses out of a total of 264. And out of these, about 50 have already turned hostile.**

- **July 21, 2006:** The Supreme Court stays Delhi High Court and trial court order directing the police to furnish its record of case diaries to R K Sharma.

- **October 9 2007:** Prosecution claims Shivani intended to expose R K Sharma for offences under the Official Secrets Act.

- **November 15:** Prosecution ends arguments.

- **November 23:** R K Sharma terms telephone call records "fabricated."

- **December 4:** R K Sharma says his friendly relationship with Shivani was not a "secret affair."

- **February 29 2007:** Final arguments end.

- **March 5, 2008:** Court reserves its verdict in the case.

- **March 18 2008:** Court convicts suspended IGP R K Sharma along with three other accused for conspiracy to kill Shivani.

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Basis for conviction

- Sharma was held guilty mainly on the prosecution's evidence of the phone calls exchanged between the deceased Shivani and Sharma as well as the co-accused. The court had also taken into account the evidence of the entry made in the register by the accused Pradeep Sharma, who went to the flat of Shivani on January 23, 1999.

In a bid to substantiate its claim, the prosecution had also submitted the report of the matched fingerprints found on the cup and the glass recovered from the house of Shivani with that of the accused Pradeep Sharma.

The prosecution's earlier allegation that RK Sharma conspired to kill Shivani as she had threatened to expose him after he, as a former Officer on Special Duty in the Prime Minister's Office during the tenure of IK Gujral, had leaked certain classified documents to the deceased scribe, was ruled out by the court as the motive could not be proven.

Pre -Sentence Hearing

Sec 235 (2)

- **Making out a potent case for extreme punishment for the two, the prosecutor submitted that the case came under the “rarest of rare cases” category as defined by the Supreme Court because the murder of the helpless woman was pre-meditated and heinous.**
- **However, counsel for Sharma opposed the prosecution’s argument for death sentence, submitting that it was a simple case of murder involving the convict as an individual. He pleaded with the court for life imprisonment for his client citing Sharma’s excellent service record. Besides, the case did not fall under the “rarest of rare cases” category, he argued.**

Reserving the Judgment

- The Additional Sessions Judge, Rajender Kumar Shastri, later *reserved* the pronouncement of quantum of sentence for Monday. The court had on Tuesday held the four guilty while letting off Ved Prakash Sharma and Ved alias Kalu on grounds of insufficient evidence.

1999

Jan 23, 1999: Shivani Bhatnagar, principal correspondent of a national daily, found murdered in her east Delhi flat. She was at home alone with her infant son. Not much headway made in investigations.

2002

July 30: More than three years after Shivani Bhatnagar's murder, the Delhi Police arrest the first suspect, Sri Bhagwan.

Aug 3: The Delhi Police tell court that RK Sharma hatched the conspiracy to murder Shivani Bhatnagar.

Aug 3: Police raids Sharma's Panchkula residence, but are unable to apprehend him. Alleged co-conspirator, Pradeep Sharma, held.

Aug 6: Panchkula court rejects R K Sharma's interim bail application.

Aug 7: Delhi Police releases R K Sharma's picture and declares a reward of Rs 50,000.

Aug 8: R K Sharma's wife Madhu alleges involvement of "an influential person," demands CBI probe.

Aug 12: Delhi police gets forensic report on the handwriting and finger prints of one of accused Pradeep Sharma. R K Sharma files bail plea in a Delhi court.

Aug 13: R K Sharma's bail plea rejected by a Delhi session's court.

Aug 15: R K Sharma's wife Madhu alleges involvement of then communication minister Pramod Mahajan in the case.

Aug 16: Delhi Police gives clean chit to Pramod Mahajan.

Aug 17: Police confirm arrest of co-accused Satya Prakash in the case.

Aug 18: Another suspect, Ved Sharma, picked up.

Aug 23: R K Sharma suspended.

Sept 27: He finally surrenders at Ambala.

Oct 8: He allegedly confesses to killing Shivani. He apparently knew Shivani since the days he was posted as OSD at the PMO. Sharma's counsel files contempt application against police. Sharma, five others sent to Tihar Jail for 14 days.

Oct 25: Police files chargesheet.

Oct 26: Cops claim Sharma gave sensitive documents relating to St Kitts case to Shivani and got her killed when she threatened to expose him.

Oct 31: Sharma denies lie-detector test and confession made before police.

Nov 10: Mobile phone records help police build case.

2003

Feb 24: Sharma gets parole for five hours to attend daughter's engagement.

March 3: Court frames charges against him, 5 others.

March 20: Trial begins.

May 14: IB states St Kitts papers recovered were classified.

■ 2004

Jan 22: Shivani's husband claims she went to meet Sharma at a hotel.

March 10: HC notice to Delhi Govt on Sharma's plea for a speedy trial.

2006

Jan 23: Case sent to a fast-track court.

March 20: HC stays trial court's order to furnish copies of observations recorded by IOs during interrogation of Shivani's husband to Sharma. Later, it allows the defence to access certain parts. Sharma had claimed the case diary contained incriminating material against several others involved in the murder.

July 13: Police moves SC against HC order to provide case diary to Sharma.

July 21: SC stays Delhi HC order.

■ 2007

Feb 13: Sharma claims Shivani knew several top BJP leaders.

Feb 19: HC rejects his bail plea.

July 30: Sharma seeks Mahajan's phone number on record.

Aug 14: Final arguments begin in seven-year-long trial. Special public prosecutor, S K Saxena, tells court that Sharma had a strong motive to murder Shivani owing to his relation with her.

2008

Feb 29: Final arguments end.

March 5: Court reserves judgement for March 18.

March 18, 2008 - IPS Ravikant Sharma and three others convicted. Quantum of sentence to be pronounced on March 20.



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Jessica Lal murder case.

- **April 29-30 1999** -- Jessica was shot on the intervening night at a party at Qutub Colonnade restaurant in south Delhi.
- **April 30, 1999** -- Doctors at Apollo hospital declares Jessica brought dead.
- **May 2, 1999** -- Delhi Police recovers Tata Safari car belonging to Manu Sharma, son of Haryana Congress leader Venod Sharma, from Noida, Uttar Pradesh.
- **May 6, 1999** -- Manu surrenders before a court in Chandigarh. Subsequently other ten co-accused including Vikas Yadav, son of UP politician D P Yadav, were arrested.
- **August 3, 1999** -- **Chargesheet** filed against accused for killing Jessica under various sections of IPC.
- **January 31, 2000** -- Magistrate court **commits** the case to a Sessions court for trial.

- **November 23, 2000** -- Sessions court **frames charges** for murder against nine persons and discharges one accused Amit Jhingan while declaring Ravinder Sudan alias Titu as proclaimed offender.
- **May 2, 2001** -- Court starts **recording of prosecution** evidence. Deepak Bhojwani, an eye-witness deposes before the trial court.
- **May 3, 2001** -- **Complainant and eyewitness Shyan Munshi turns hostile, fails to identify Manu in court.**
- **May 5, 2001** -- Another eyewitness Shiv Das, an electrician at Qutub Colonnade, turns hostile.
- **May 16, 2001** -- Third key witness Karan Rajput turns hostile.
- **July 6, 2001** -- Malini Ramani, eyewitness, identifies Manu.

- **October 12, 2001** -- Socialite Bina Ramani, owner of the restaurant and bar physically identifies Manu.
- **October 17, 2001** -- George Mailhot, Ramani's Canadian husband, deposes and identifies Manu.
- **July 20, 2004** -- Surinder Sharma, controversial investigating officer in the case, deposes after returning from UN assignment in Kosovo.
- **February 21, 2006** -- **Trial court acquits** all nine accused due to lack of evidence against them.
- **March 13, 2006** -- Delhi Police file appeal in the High Court.
- **October 3, 2006** -- High court begins hearing on appeal on a day-to-day basis.
- **November 29, 2006** -- High court **reserves** its verdict.
- **December 18, 2006** -- High court convicts Manu, Vikas Yadav and Amardeep Singh Gill alias Tony and acquits Alope Khanna, Vikas Gill, Harvinder Singh Chopra, Raja Chopra, Shyam Sunder Sharma and Yograj Singh.

Investigation

- According to a Special Investigation Report of the police senior officials of the Delhi Police tried to shield the guilty **and derail the case.**
- The report states it is obvious that senior police officers had **colluded** with Manu's father, Venod Sharma, to save him.
- Venod Sharma is a leading Haryana politician belonging to the Congress party and had served as a minister at the centre in the Narasimha Rao Cabinet
- The culprit No.1 in the case was investigating officer Raman Lamba. **Lamba was sent to Chandigarh to try and arrest Manu and also to recover his Tata Safari after the murder of Jessica but he made no such effort.**
- Most witnesses had referred to the killer as a short young man wearing a white **T-shirt, but Lamba made no efforts to retrieve Manu's clothes.**
- The SIT report says Lamba **arranged a meeting between Manu's father Venod sharma and then additional** deputy commissioner of police Vivek Gogia.
- It adds that as a result of the meeting, Manu's surrender was staged on May 6, 1999, a week after the murder.
- **Vivek Gogia is the culprit No. 2. Gogia had written a letter to the Central Forensic Science Laboratory, asking whether two guns were used for murdering Jessica.**



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Priyadarshini Mattoo's Case

- January 23, 1996: Priyadarshani Mattoo raped and killed allegedly by Santosh Kumar Singh. Delhi Police **registers FIR**
- January 25, 1996: Case handed over to the **CBI**. Agency registers case
- April 11, 1996: CBI files **chargesheet** in the case against Santosh Singh.

Impartiality of Judges

- what about Justice S. L. Bhayana, whose judgement has been found "perverse" at some place by the High Court?
- Originally hailing from Rohtak in Haryana, Bhayana was a practising lawyer in Tis Hazari courts for 12 years before he became a judge. He was overlooked for promotion in 2004 but got it immediately after the Jessica judgement.

- June 20, 1996: **Date of committal** of the case to **Additional Sessions** Judge General BB Chowdhury.
- August 29, 1996: **Charges framed**.
- August 11, 1997: Trial starts in the court of Additional Solicitor General SC Mittal.
- January 3, 1998: **Prosecution evidence closes**. **50 witnesses** examined by the court. No Defence witness
- April 18, 1998: **Arguments closed** in the case but was marred by a controversy of allegations of money changing hands ahead of judgement. The case was transferred to ASJ GP Thareja

- April 21, 1998: Case admitted with Thareja June 1, 1996: Thareja **summons two prosecution witnesses** -- Inspector Lalit Mohan of Delhi Police and Prof GV Rao of Microbiological Centre.
- June 1, 1996: CBI **submits case diaries** before Additional Sessions Judge Thareja.
- Nov 30, 1998: ASJ Thareja begins hearing Defence and Prosecution witnesses.
- March 31, 1999: **Examination of witnesses closes.**
- December 3, 1999: ASJ Thareja delivers judgement; **Santosh Singh acquitted**; CBI lashed for **shoddy investigations.**
- Feb 29, 2000: CBI appeals in Delhi High Court.

- April 26, 2000: High Court admits appeal.
- Oct 17, 2000: High Court issues bailable warrant against Santosh Singh.
- ~~Dec 17, 2001: CBI files appeal for early hearing before High Court.~~
- Nov 25, 2002: CBI files application before High Court for early hearing.
- Feb 14, 2003: Accused files application for inspection of files.
- March 25, 2003: High Court dismisses the application
- July 22, 2006: CBI files another application for early hearing July 28, 2006: Delhi High Court fixes Aug 31 as date for hearing
- August 31, 2006: High Court orders daily hearings in the case.
- Sept 27, 2006: High Court reserves judgment in the case. CBI seeks action against five Delhi Police officials.
- Oct 17, 2006: High court convicts Santosh Singh for raping and killing Priyadarshani

Thank you

