

# Recommendations of the Punjab Governance Reforms Commission Thirteenth Status Report

Thirteenth PGRC Report on Strengthening Prosecution for  
Better Law-enforcement





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**STRENGTHENING PROSECUTION  
FOR  
BETTER LAW-ENFORCEMENT**

by

**JUSTICE K. S. GAREWAL (RETD)**

*Prosecutors must ensure that every accused person gets a fair, impartial and speedy trial. They must uphold the right that “no person shall be deprived of his life or personal liberty except according to procedure established by law.” Under the present system of criminal justice, the police is responsible only for conducting a fair and impartial investigation. The decision to prosecute or not to prosecute must be arrived at by the prosecutors, on a review of the evidence collected during investigation. Accountability for the success or failure of the prosecution case rests with the prosecutors. This paper gives a background to criminal procedures, examines the views of various commissions, and also describes briefly the role of prosecutors in the US, England & Wales, Australia, Pakistan (Punjab), France and Germany and then revisits prosecution functioning in Punjab, and suggests a way forward.*

“Police exercised too much control over the prosecution despite the latter being organically linked but theoretically independent of the former. Police did not have the legal know how to conduct prosecution and did not possess the high degree of *objectivity* and *detachment* necessary for a prosecutor. The high degree of *subjectivity* and *attachment* of the police with the case implied that the prosecutor will be more biased towards securing conviction.”

**1<sup>st</sup> Law Commission of India (14<sup>th</sup> Report,1958)**

“Is the system fair; first in the sense that it brings to trial only those against whom there is an adequate and properly prepared case and who it is in the public interest should be prosecuted ..., and secondly in that it does not display arbitrary and inexplicable differences in the way that individual cases or classes of case are treated locally or nationally? Is it open and accountable in the sense that those who make the decisions to prosecute or not can be called publicly to explain and justify their policies and actions as far as that is consistent with protecting the interests of suspects and accused? Is it efficient in the sense that it achieves the objects that are set for it with the minimum use of resources and the minimum delay? Each of these standards makes its own contribution to what we see as being the single overriding test of a successful system. Is it of a kind to have and does it in fact have the confidence of the public it serves?”

**The Phillips Commission, 1981**

## ***Introduction***

English common law was introduced in India in the mid-nineteenth century when criminal law and procedure was codified for the first time. The Indian Penal Code (1862), result of the labours of Lord Macaulay, is still in force in India, and with some amendments, is the penal code followed in Pakistan, Bangladesh, Malaysia, Singapore. The Indian Evidence Act (1872) is also the model law of evidence in Commonwealth countries. Both these enactments have enjoyed a long life. Malaysia and Singapore are not grappling slow trials and low conviction rate, inspite of having the same set of criminal laws as India. The difference is not with the law but with the procedures, or the way our criminal justice system functions and handles procedural issues during the course of investigation, inquiry and trial. There are somethings basically wrong in the way criminal cases are handled by the investigators, prosecutors and the courts which leads to long delays and low conviction rates.

Laws relating to criminal procedure are fundamental for the purposes of arrest and trial of accused persons but criminal procedure needs constant revision in accordance with the needs of the times and changing concepts of procedural fairness, rights of the victims and the accused, public safety and security. Running parallel to the penal code and the law of evidence, which have had a smooth run for a century and a half, there have been four Codes of Criminal Procedure of 1872, 1882, 1898 and finally of 1973. Perfection is still a distant dream.

CrPC 1898 enjoyed an unbroken run for 75 years before its repeal and it is to this code that one may turn, to see how much procedures have changed and how much they remain the same as far as prosecution is concerned.

### ***Prosecution during pre-independence period 1898 - 1950***

During the pre-independence era there was no separation between the executive and the judiciary and indeed no separation between the police and the prosecution. The separation between the executive and the judiciary came in 1964 but operationally the police and the prosecution did not completely separate.

Under CrPC 1898, the prosecution agency was completely under police control and was a part of the police department. The hierarchy of prosecuting officers was – Prosecuting Sub-Inspectors (PSIs), Prosecuting Inspectors (PIs) and Prosecuting Deputy Superintendents of Police (PDSPs). This state of affairs continued for 75 years, in spite of the unfairness of police-centric prosecution as opposed to fair and impartial prosecution by independent lawyers. As long as the system produced quick convictions, no need was felt for separating investigation and prosecution. The coordination between investigation and prosecution seemed to work well because the prosecutors rarely questioned police investigation.

### ***Prosecution under the Constitution of India 1950***

After the Constitution of India came into force in 1950, Article 50 required the states to take steps to separate the judiciary from the executive in the public services of the state. Finally, the judiciary and the executive were separated in Punjab in 1964. Why we were slow in introducing reform is unclear but prosecution continued to remain a part of the police department till 1973.

The Constitution guaranteed rights like equality before the law, protection against *ex post facto* laws, protection against double jeopardy and self-incrimination, protection of life and

liberty and protection against arrest and detention without trial. Quite obviously old style police-centric prosecution also needed reform.

### ***1<sup>st</sup> Law Commission of India 1955-1958***

The 1<sup>st</sup> Law Commission of India was set up in 1955 under the chairmanship of Mr M.C.Setalvad, Attorney-General of India. The commission in its 14<sup>th</sup> report (1958) on Reform of Judicial Administration, argued in favour of separating prosecution from investigation. It was urged that police exercised too much control over the prosecution despite the latter being organically linked but theoretically independent of the former. Police did not have the legal know how to conduct prosecution and did not possess the high degree of *objectivity* and *detachment* necessary for a prosecutor. The high degree of *subjectivity* and *attachment* of the police with the case implied that the prosecutor will be more biased towards securing conviction. Lastly, the Commission was of the view that the prosecutor was an agent of justice and an officer of the court. He must have the independence to function in an unbiased way.

### ***Code of Criminal Procedure 1973***

Code of Criminal Procedure, 1973 (Act 2 of 1974) effectively separated prosecution by bringing prosecution under Chapter II – Constitution of Criminal Courts and Offices. Provision was made for appointment of Public Prosecutors, after consultation with the High Court, for conducting prosecution on behalf of the Government. The District Magistrate was also empowered to appoint, in consultation with the Sessions Judge, a Public Prosecutor for the district. A person to be eligible to be appointed Public Prosecutor should have been in practice as an advocate for no less than seven years. There was also a provision for appointment of Assistant



Public Prosecutors (APP) for conducting prosecutions in the Courts of Magistrates, it was specifically stated that police officers were ineligible for appointment as APP. However, where no APP was available the District Magistrate could appoint any person as APP in charge of that case but a police officer shall not be so appointed if he had taken part in the investigation of the case or he was below the rank of Inspector.

The provisions relating to prosecutors are contained in section 24 (Public Prosecutors), 25 (Assistant Public Prosecutors), and 25 A (Directorate of Prosecution) of CrPC 1973. The Parliament has deliberately placed prosecutors alongside criminal courts and recognised that prosecutors' office is an essential part of criminal courts. Police investigators have been kept out of this chapter.

Separation of prosecution from the police is theoretically complete. But unfortunately there is no equivalence between prosecutors and judges in terms of salary structure, terms and conditions. Prosecutors are still treated as equivalent to police officers of the same rank which the PSIs, PIs & PDySPs were holding before 1973. There is no code of guidance on how prosecution is to be conducted and prosecutorial decisions made.

#### ***14<sup>th</sup> Law Commission 1996***

Subsequently, the 14<sup>th</sup> Law Commission of India under the chairmanship of Mr Justice K.J.Reddy submitted the 154<sup>th</sup> report on the Code of Criminal Procedure (1996) and recognised that the prosecution machinery has been completely separated from the investigation agency. However, the Commission felt the importance of coordination between the prosecution, now an independent department, and the police. The National Police Commission's 4<sup>th</sup> Report was considered in detail. The police commission had suggested that coordination between the

prosecution and investigation would improve if the Directorate of Prosecution was made a part of the police department.

The Law Commission recognised the need for coordination but altogether rejected the Police Commission's recommendation that prosecuting cadres be constituted into a separate legal wing to function under the Directorate of Prosecution as an integral part of the state police, because this would have been contrary to the law laid down in *S.B.Shahne v. State of Maharashtra* A.I.R. 1995 S.C. 1628 [ Chapter III paragraph 8 of the report]

However, in paragraph 9 of its report, the Commission did recommend that the Home Department of the State Governments should prescribe guidelines to achieve the desirable coordination between the Directorate of Prosecution and the Investigating Agency of the Police for efficient investigation of cases. The Law Commission approved of all recommendations of the Police Commission, except one. These were incorporated in S. 25A CrPC in 2006. The following amendment, which was designed to empower prosecution and define its functions, sadly remains unimplemented so far. This provision is as follows:

“The powers and functions of the Directorate of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.” [S. 25A (7) CrPC]

### ***Malimath Committee 2003***

On the subject of prosecution, Committee on Reforms of Criminal Justice System (popularly known as the Malimath Committee) concluded that prosecutors are Officers of the Court whose duty is to assist the court in the search of truth which is the objective of the

Criminal Justice System. They should be meritorious and well trained. However, this committee also recommended that Directors of Prosecution should be from among suitable police officers of the rank of DGP [ recommendation no. 52 (i) ].

This was in complete contradiction to the recommendations of the 14<sup>th</sup> Law Commission. Therefore, what really emerges is that reports of the 1<sup>st</sup> & 14<sup>th</sup> Law Commissions were in favour of separation of prosecution from the police whereas the Malimath Committee was in favour of keeping prosecution under the police.

In most countries the relationship between the police investigator and the prosecutor has been clearly defined or codified. The investigator knows that ultimately when the case is before the trial judge, the evidence is presented by the prosecutor. Therefore, a close professional relationship has to be maintained with the prosecutor. But the extent to which the investigator yields ground to the prosecutor is different in different countries and in different systems.

Let us examine this relationship in other countries in order to understand how the criminal justice system operates.

## ***USA***

### ***Powers & Duties of Prosecutors in USA (taken from Principles of Federal Prosecution)***

1. Prosecutors enjoy vast decision-making authority. Principles of Federal Prosecution are intended to promote the reasoned exercise of prosecutorial decisions with regard to :
  - a. Initiating or declining prosecution.
  - b. Selecting charges

- c. Entering into plea arguments
  - d. Opposing offers to plead no contest
  - e. Entering into non-prosecution agreement in return for co-operation
  - f. Participating in sentencing
2. Each United States Attorney and responsible Assistant Attorney General has to establish internal procedures to ensure that prosecutorial decisions are made at the appropriate level of responsibility, consistent with set principles and that serious, unjustified departures from principles set forth are followed by appropriate remedial action.
  3. The principles of federal prosecution and internal procedures are intended solely for the guidance of the attorneys. They are not intended to create a right or benefit, substantive or procedural, enforceable at law.
  4. If the attorney has probable cause to believe that a person has committed a federal offence he should consider whether to request for further investigation, or commence prosecution, or decline prosecution and refer the matter for prosecutorial consideration to another jurisdiction or decline prosecution and recommend other non-criminal disposition or decline prosecution without taking any further action.
  5. The grounds for declining prosecution are: no substantial Federal interest would be served by prosecution, the person is subject to effective prosecution in another jurisdiction, there exist adequate non-criminal alternative to prosecution.
  6. In determining whether prosecution should be declined because no Federal interest would be served, the attorney should weigh all relevant considerations, including :

law enforcement priorities, nature and seriousness of the offence, deterrent effect of prosecution, person's culpability, person's history with respect to criminal activity, person's willingness to co-operate in investigation or prosecution of others, and the probable sentence or other consequences if the person is convicted.

7. In determining whether prosecution should be declined because the person is subject to effective prosecution in another jurisdiction, the attorney should weigh all relevant considerations, including : the strength of the other jurisdiction's interest in prosecution, the other jurisdiction's ability and willingness to prosecute effectively, probable sentence if the person is convicted in the other jurisdiction.
8. In determining whether prosecution should be declined because there exist adequate, non-criminal alternative to prosecution, the attorney should consider all relevant factors, including : the sanctions available under alternative means of disposition, the likelihood that an effective sanction will be imposed, and the effect of non-criminal disposition on Federal law enforcement interests.
9. In determining whether to commence or recommend prosecution, the attorney shall not be influenced by : the person's race, religion, sex, national origin, or political associations, activities or beliefs, or by the attorney's own personal feelings concerning the person, the person's associates, or the victim, or by the possible effect of the decision on the attorney's own professional or personal circumstances.
10. Whenever the attorney declines or commences or recommends prosecution, he shall ensure that his decision and the reasons therefore are communicated to the investigation agency involved and to any other agency, and are reflected in the office files.

11. Once a decision to prosecute has been made, the attorney should charge or recommend the grand jury to charge the most serious offence that is consistent with the defendant's conduct, and that is likely to result in sustainable conviction. The attorney should bear in mind that he shall have to produce admissible evidence to obtain and sustain conviction. For this reason he should not include any information that he cannot reasonably expect to prove beyond doubt by legally sufficient evidence at the trial.

(the remaining principles deal with matters like plea bargaining, and sentencing guidelines etc.)

### *Comments*

It is clear that US Federal prosecutors occupy primacy in law enforcement and are governed by detailed guidelines on all aspects of their prosecutorial duties. The investigating agencies do not control prosecution in any way. It is a prosecutor dominated system which is adversarial and not inquisitorial. Malimath Committee attempted to introduce an inquisitorial element in prosecutions, which is prevalent in civil law jurisdictions in countries like France, Germany etc.

### *England & Wales*

In 1962, a Royal Commission recommended that police forces set up independent prosecution departments so as to avoid the same officers investigate and prosecute cases. When this recommendation was not implemented Phillips Commission was set up in 1978. In 1981 this commission recommended that a single unified Crown Prosecution Service with responsibility for all public prosecutions in England and Wales, be set up. This led to the enactment of the Prosecution of Offences Act, 1985 which established the Crown Prosecution Service in 1986.

There is also a Code for Crown Prosecutors which sets down the basis upon which prosecutions are refused, discontinued or proceeded with. A case will only be prosecuted if there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge and if it is public interest to prosecute.

### ***Australia***

Prosecutions in Australia are governed by the Director of Public Prosecutions Act, 1983, which provides for the establishment of the Director of Public Prosecutions, gives the functions and powers of the Director, provides for consultations with the Attorney-General, issuance of directions and guidelines by the Attorney-General. The Director may also issue directions and guidelines to the police, and also request for assistance from the Commissioner of Police, and so on. The mode of appointment of the Director and the terms and conditions of service have also been laid down. The Act ensures that there is a separation of the investigation and the prosecutorial functions in the operation of the criminal justice system. Most importantly, prosecution has been made independent of those who were responsible for investigation.

The legislation is further supplemented by a prosecution policy framed by the Attorney-General giving guidelines for the making of decisions in the prosecution process. This policy is a public document and is based on the principles of fairness, openness, consistency, accountability and efficiency. The policy contains criteria governing the decision to prosecute, choice of charges etc.

### ***Pakistan***

In the Punjab province of Pakistan, prosecution reform took place in 2006 with the enactment of the Punjab Criminal Prosecution Service (Constitution, Powers and Functions) Act 2006. The act provides for the appointment of Prosecutor-General to be the head of the

prosecution service. There is also provision for drafting a Code of Conduct for Public Prosecutors. The code has been drafted, based on the Havana Guidelines 1990 ( which are being further strengthened by the International Association of Prosecutors) and the Universal Declaration of Human Rights. The code specifically covers areas of professional conduct, independence, impartiality, role during investigation and criminal proceedings, co-operation, discipline, and empowerment. Standard Operating Procedures (SOP) have also been developed to promote police – prosecutor co-operation.

### ***France***

In France, the Code of Criminal Procedure states that the *procureur* (prosecutor) has formal authority over the police when they investigate criminal offences. The prosecutors can issue general and specific instructions to investigators to explain crime policy and priorities in detection of particular categories of crime. The police must report to prosecutors all offences known to them and seek instructions on the lines of investigation. They also have the formal obligation to inform the prosecutors of all arrests and seek their authorization for use of under cover investigation techniques. The prosecutors, if they think proper, can take over the investigation themselves.

In serious and complex investigations the prosecutors can ask for a judicial inquiry by *juge d'instruction* who then opens the judicial inquiry. The examining judge continues the investigations and directs the police. It is estimated that only about seven per cent of all cases are subject to judicial inquiries.

### ***Germany***

The German Criminal Procedure Law provides that the prosecution service is legally and functionally responsible for the pre-trial stage and is referred to as ‘the ruler of the investigative



stage.’ Prosecutors are authorized to investigate themselves or request the police to do so. They can also give instructions to the police regarding how cases are to be handled and set the areas of priority in investigation. The police are obliged to inform the prosecution services of their actions and provide information to facilitate decisions for further investigatory actions. Prosecutors take the ultimate decision whether or not to charge the suspect with an offence.

### ***Structure of the Department of Prosecution in Punjab***

The Department of Prosecution and Litigation is currently headed by Director of Prosecution and Litigation who holds the rank of Additional Secretary to the Government of Punjab. The head office of the department has a Additional Director (Joint Secretary), two Joint Directors (Deputy Secretaries), an Assistant Legal Advisor (Under Secretary), an Additional District Attorney and an Assistant District Attorney.

There are also one each Joint Director rank posts with the Vigilance Department, Vigilance Bureau, C.I.D. Intelligence, C.I.D. Crime and Punjab Police Academy. These are deputation posts. The field cadre consists of 27 District Attorneys, 79 Additional District Attorneys and 204 Assistant District Attorneys.

For a comparison of pay structures of prosecutors, trial judges, investigators and advocates-general, see Table annexed as Annexure “A”

The main provision for prosecutors is contained in the CrPC, 1973. Powers & Duties of Prosecutors in the State of Punjab are:

1. Prosecution Department acts in advisory capacity to the Administrative Departments.
2. Prosecution Department is mainly responsible for the conduct of criminal litigation (trials) affecting the State Government.
3. In criminal cases judgments are procured by the Law Officers from the courts concerned. They send their comments to District Attorney (Public Prosecutor) in cognizable and non-bailable cases decided by Judicial Magistrates, to seek permission from the District Magistrate if the case is fit for filing an appeal in the Sessions Court.
4. Other cases which are found fit for filing an appeal are sent to Director of Prosecution. Director of Prosecution further examines the desirability of filing appeals/revisions. Cases which are unfit for appeals/revisions are sent to the Home Department for taking the final decision.
5. Cases which are found fit for appeals/revisions through the Advocate-General to the Government.
6. All Law Officers of the Department of Prosecution in the rank of District Attorneys and above, Deputy District Attorneys and Assistant District Attorneys have been declared Public Prosecutors/Additional Public Prosecutor/Assistant Public Prosecutor, respectively, under the provisions of CrPC, to conduct criminal cases in the Courts of Sessions Judges and Judicial Magistrates.
7. The Punjab Government has designated Director of Prosecution, Assistant Legal Remembrancer (Under Secretary to the Government), all District Attorneys Grade I (now designated as Deputy District Attorneys) and Assistant District Attorneys Grade II (now designated as Assistant District Attorneys) as Law Officers under the

Advocates Act and has further certified that under the terms of their appointments they are required to act and plead in courts on behalf of the State of Punjab.

8. Before the presentation of charge sheets (challan or 173 Report) in the Courts, these are legally scrutinised by the Law Officers to ensure efficient prosecution of the cases.
9. All Law Officers are responsible for the efficient and effective conduct of cases on behalf of the State of Punjab.
10. In the Districts, District Attorney is the overall incharge of prosecution. He supervises the working of all Law Officers posted in the District.
11. When judgments pronounced, it is the duty of each Law Officer, attached to the Court, to procure a copy of the judgment, examine it and offer his comments to his superior, whether the judgment/decision is required to be agitated in appeal/revision or not.
12. Public Prosecutors act in dual capacity, as prosecutors in criminal cases and as District Attorneys in civil cases.

### ***Investigative & Prosecutorial decisions***

Unless the criminal justice system is properly understood, the importance of investigative and prosecutorial decisions cannot be appreciated. Following is a brief description of the course criminal law takes, from crime to punishment:

CRIME	Crime committed
CASE REGISTERED	Information given to police, if a cognizable offence, FIR is registered
INVESTIGATION	If after investigation an offence appears to have been committed, then Final Report is sent to the Court

CHARGE	Trial Court frames a charge if there are grounds to presume that the accused has committed an offence
PROSECUTION	Prosecution leads evidence. Court finds that evidence is insufficient for conviction, the accused is acquitted. Otherwise, the accused enter his defence
DEFENCE	Defence leads evidence
CONVICTION	Court finds that the charge has been established : accused convicted. If not, accused acquitted.
PUNISHMENT	Court awards sentence of imprisonment and/or fine

To register a criminal case at the police station and begin investigation is an important decision which the Station House Officer (SHO) takes. The case is registered if the information reveals that a cognizable offence has been committed. Thereafter, recording statements of witnesses, collecting evidence, arresting the accused persons are steps in the investigation of the case.

However, as the investigation is in progress, the investigator may face a situation where he needs legal opinion, such as when the accused is produced before the Magistrate, or when he applies for bail. This is where the prosecutors come in. After the prosecutor examines the case file, becomes familiar with the facts and the evidence, his continued association with investigation can only bring benefits.

At the conclusion of investigation, the final report (173 report/challan) is filed. This report must be properly vetted by the prosecutor. Under CrPC 1898 after the final report was presented to the Magistrate, commitment proceedings were held before Magistrates, witnesses were examined and cross-examined, charges framed and the case would be committed to the Court of Session for trial. After 1973 commitment proceedings have been dispensed with, the

final report is presented before the Magistrate, who does not record any evidence and after completing formalities like providing documents to the accused, commits the case to the Court of Session and notifies the Public Prosecutor.

There may be many serious gaps in the investigation which need to be filled, the admissibility and reliability of the evidence may require to be examined. And finally what offence has been committed and who are the accused who have committed the offence has to be decided. Prosecutors being legally trained criminal lawyers are best qualified to decide whom to prosecute and for which offence. But they do not get an opportunity to make a well informed decision on whom to prosecute on which charge.

Prosecutorial decision making is primarily concerned with decisions, based on the investigation conducted by the police. Is this decision to be made by the police investigator acting alone or in coordination with the prosecutor or by the prosecutor acting alone. Apart from speedy trials, which are essentially the function of the trial courts, at the pre-trial stage important prosecutorial decisions ensure quick and fair trials.

Some of the common ones would be regarding the nature of the crime. Is it a case of simple hurt [324 IPC] or grievous hurt [326 IPC] or murder attempt [307 IPC]. Or is the case one of murder [302 IPC] or manslaughter [304 IPC] or death by negligence [304A IPC]. In the case of violent death of a married woman, is it murder [302 IPC] or dowry death [304B IPC] or abetment of suicide [306 IPC] or death by suicide. In cases of sexual assault the investigation may reveal that it was rape [376 IPC] or molestation [354 IPC]. The degree of culpability of the accused persons may not always be the same. Names of some of the accused may have been falsely entered by the complainant at the time of filing FIR. These are some of the very real

questions which emerge during investigation. The victim or the complainant would want the charge to be of a more serious crime whereas the accused may want to plead outright innocence or want the charge to be the lesser one, to which he may even plea bargain.

At this stage some of the named accused may claim a valid defence like self-defence, or alibi or false implication. In cases involving married women, and in some village crimes involving group rivalries, there is a tendency to enlarge the number of accused persons by extending their list.

Therefore, prosecutorial decisions which require consideration of the above aspects are important because the ultimate outcome of the case shall depend on whom the prosecutor charges for the crime. Prosecutorial decisions should be taken by the prosecution on the basis of facts gathered during investigation. The investigators are trained to investigate but are not lawyers. On the other hand, prosecutors are criminal lawyers who are trained to examine facts to determine what charges should be framed.

In England prosecutorial decision making is taken very seriously. They have adopted a two test approach, the first at the threshold of the case. and the second when the investigation is complete [for details see Code for Prosecution]

In contemporary India criminal courts have to try crimes like corporate fraud, international drug-trafficking, corruption in high places, money-laundering, cyber crimes, some of which may have cross border ramifications. Investigation and prosecution of these crimes requires specialized training for investigators and prosecutors. The State can no longer depend on old fashioned investigation by investigators who are unfamiliar with contemporary globalized

economy. All this makes it essential that investigators should work in close co-ordination with well trained prosecutors.

***Patiala Case-study***

A study was conducted by this task group of all contested criminal trials concluded in Patiala Sessions Division in 2011 & 2012. The object of the study was to discover the conviction rate and the speed at which trials were conducted. Voluminous data was sent by the office of District Attorney (Public Prosecutor), Patiala. From these statements, the study has been confined to 2012 and to eight courts – Courts of Sessions Judge, three Additional Sessions Judges, Chief Judicial Magistrate, Additional Chief Judicial Magistrate and two Judicial Magistrates.

The following table summarizes the performance of the eight courts in terms of average time taken (in weeks) to conclude the trials from the date of framing of charge to the date of final judgment of conviction or acquittal, average time taken (in weeks) to complete the recording of prosecution evidence from the first date for prosecution evidence to the date prosecution evidence is closed, conviction to acquittal ratio and the conviction rate. Detailed statements are collectively annexed as Annexure “B” The summary of performance indicators regarding the speed of the trials and the conviction rates.

<u>Court</u>	<u>Trial</u>	<u>Prosecution</u>	<u>C:A ratio</u>	<u>Conviction %</u>
Sessions Judge	63	35	23:21	52%
Additional SJ	143	120	67:31	67%
Additional SJ	153	123	76:16	82%
Additional SJ	123	94	10:15	40%
CJM	239	187	31:29	52%
Additional CJM	185	178	66:78	44%
Judicial Magistrate	229	137	55:83	40%
Judicial Magistrate	108	57	86:36	70%

The conviction rate is quite healthy, though varying between 40% to 82%. The task group does not propose to go into the factors which have caused this variation as only a very close scrutiny of judgments shall come up with a credible explanation.

However, the study reveals that the speed at which trials were conducted was extremely slow and unsatisfactory. The overall average time taken was between 63 weeks to 239 weeks. Almost all trials before courts, other than the court of Sessions Judge, took more than two years, and in some courts even three to four years and above. What is noteworthy is that in six courts, more than 3/4<sup>th</sup> of the court time was taken up by the prosecution. In some courts this period was even upwards of 4/5<sup>th</sup>. The Court of Sessions was the fastest in disposal of trials (ave 63 weeks) but more than 4/5<sup>th</sup> of this time was taken by the prosecution. Had prosecution been quicker in leading its evidence, the trials would have concluded much sooner.

It is extremely disheartening that the overall average time taken for recording prosecution evidence was between 55 weeks to 187 weeks. Our conclusion is that if the prosecution seeks no adjournments and produces its entire evidence with two to three weeks, which is not an insurmountable target, trials shall be completed very quickly.

The blame for slow trials is entirely with the local police because prosecution witnesses are neither summoned nor produced on dates when the trial is fixed. This necessitates adjournment after adjournment of the trials. The police and the prosecution blame each other, and together they blame the court. When the trial is adjourned they can conveniently say that “the court adjourned the case.” There is complete lack of coordination between the police and the prosecution on the one hand and a complete lack of respect for the rights of the accused and the trial courts on the other. This unsatisfactory situation is prevalent all over the State and unless



remedied the problem will continue to grow and shall rise manifold to consume the entire criminal justice delivery system.

If the conviction rate is high, it means that the prosecution was correctly launched, conversely if the rate is low then far too many persons were wrongly prosecuted. This is not a good sign for the health of the criminal justice system. It also shows that either the prosecution was ineffectively conducted or the decision to prosecute was itself the wrong one.

It is universally recognised that quick and condign punishment, after a fair trial, is the best and only deterrent for tackling rising crime. The message for the citizens should be this : if you commit a crime, punishment shall be quick and appropriate. When trials are delayed this message gets diluted, criminals become bolder and crime rises, and the criminal justice system suffers a grievous blow.

#### ***Detailed comments on police-prosecutor relations***

The structure of the law-enforcement system [investigators and prosecutors] has not undergone any major changes after the Constitution came into force, inspite of the fundamental rights granted by articles 14, 20, 21 & 22 and the well developed human rights jurisprudence innumerable rights have been recognised by our courts Whereas courts recognize the rights of the accused and ensure that trials are fair, the law-enforcement agencies must also function is such a way that rights are respected and trials are fair. This is not possible if the law-enforcement remains police dominated.

Report of the 1<sup>st</sup> Law Commission of India [14<sup>th</sup> report - 1958] had noticed that “police exercised too much control over the prosecution despite the latter being organically linked but

theoretically independent of the former” and warned that too much dominance over the prosecution by the police deprived the prosecutors of the desired objectivity and detachment. Unfortunately, the prosecution still remains dominated by the police, although the Code of Criminal Procedure 1973 made many changes.

Criminal justice system nowadays is required to be fair, independent, and responsive to the rights of the victim and the accused. However, the way the system has evolved, the police dominates the investigation and shows indifference to the prosecution. This was the practice in the pre-independence era, when the prosecutors were a part of the police establishment, enjoyed little autonomy. This scheme of things should not continue any more.

The coordination between investigators and prosecutors in the true sense is non-existent. This is a glaring drawback and has immensely eroded the criminal justice delivery system. As prosecution is a police-dominated, the prosecutors have little say in the prosecutorial decision making process. Prosecutors must be able to direct on-going investigation but they arrive on the scene too late, after the damage to the case has already been inflicted by the investigators, either inadvertently or deliberately. This helps the accused persons, and erodes the credibility of the criminal justice system. Moreover, criminal cases are handled by different prosecutors at different stages of the case. The prosecutor who appears before the Magistrate at the stage of remand or bail is different from the one who scrutinizes the 173 report, and ultimately the prosecutor who conducts the trial has probably never been associated with the case when the investigation was on.

The investigators and the prosecutors do not work together in a harmonious, co-ordinated manner, as is evident from the following:

- When the accused is to be produced before the Magistrate for remand or seeks bail, the investigator will approach the prosecutor with the case file just a few minutes before the case is called, and brief him quickly. The prosecutor has no time to apply his independent mind and the correct prosecutorial decision at the very threshold of the case.
- When the time comes for the investigator to present the final report before the Magistrate, he does so at the very last minute, a few days before the period of 60/90 days comes to an end. This gives very little time to the prosecutor to review the material collected by the investigator. Prosecutor's scrutiny of challans may reveal some serious defects in investigation or he may want to suggest new lines of investigation but due to paucity of time this is sometimes not feasible. There have been cases where there was collusion between the investigator and the accused, to delay the presentation of the challan, so that the accused could get bail under proviso to S.167(2) CrPC.
- At the trial the police delay producing prosecution witnesses which damages the case, and sometimes allows the accused to approach the witnesses, leading to acquittals. Neither the investigator nor the prosecutor is accountable for the failure of the case.
- Prosecution lacks the authority to take major prosecutorial decisions – to prosecute or not to prosecute. It seems that this decision has already been taken by investigator.
- The prosecutor, while scrutinizing the 173 Report (charge sheet or final report), is unable to seriously review the evidence, due to paucity of time.

- Prosecutors do not participate in the investigation while the investigation is going on. They are unable to give any advice or direction regarding the line the investigation should take, which witnesses should be interrogated, what evidence should be collected.
- The stage of scrutiny of 173 report is too late for the prosecutor to make any meaningful contribution in the case. Prosecutors do not have the power to demand that 173 reports be sent to them at least four/six weeks ahead of the schedule time.
- There is no requirement to bring the prosecutor on the case by sending him a copy of FIR.
- The dual nature of prosecutors duties, Public Prosecutor for criminal cases and District Attorney for civil litigation weakens their prosecutorial duties and decision making.
- In practice Prosecutors do not have the authority to withdraw prosecutions under 321 CrPC, they can only make recommendations. The decision is taken at the level of the Home Secretary.
- Prosecutors have a duty to disclose if there is any material which may help the defence but this has not been spelt out.
- Code of Ethics for prosecutors is also required to be drawn up. Government Conduct Rules are general in nature. Keeping in view the specialized nature of prosecutor's duties, a Code of Ethics should be drawn up for prosecutors containing guidelines regarding the manner in which prosecutorial decisions are taken and trials conducted.

### *Suggestions for reform of prosecution*

Urgent reforms must be undertaken to strengthen the Directorate of Prosecution, upgrade the status of Director, Deputy Directors, improve the working conditions of Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors.

Our suggestions are :

i) The Directorate of Prosecution should be separated from the Litigation Department. The Director of Prosecution should be re-designated as Prosecutor-General, holding a rank equivalent to Chief Secretary, and reporting directly to the Advocate-General.

ii) In Sessions Divisions, Public Prosecutors should be re-designated as Deputy Directors of Prosecution and should enjoy the same pay, perks and privileges as Sessions Judges. Likewise Additional Public Prosecutors should enjoy equivalence with Additional Sessions Judges, and Assistant Public Prosecutors with Magistrates.

iii) Powers and functions of Director and Deputy Directors should be clearly defined as required by S. 25A (7) CrPC and codified by enacting Punjab Prosecution Services Act.

iv) All differences of opinion between the investigator and the prosecutor should be resolved by referring the matter to Deputy Director of Prosecution (Public Prosecutor) whose decision should be final OR to a committee consisting of DDR, District magistrate & Senior Superintendent of Police.

v) At the State level, a Criminal Justice Monitoring Board should be set up to track all on-going investigations and prosecution. The Board should publish annual reports, release monthly data of investigations/prosecutions, identify bottlenecks, and suggest remedial actions. It should circulate lessons learnt from Court decisions to all investigators and prosecutors. There

is need to develop a prosecution policy, a sentencing policy and a forensic policy. Standard Operating Procedure [SOP] should be drafted to co-ordinate the powers, functions and duties of investigators and prosecutors, giving primacy to prosecutors to take prosecutorial decisions. The Board should also plan and execute training modules for investigators and prosecutors to provide continued legal education for in-service candidates.

vi) Prosecutors should have a duty to disclose any material which may assist the accused in his defence. Copies of all FIRs should be sent to all Public Prosecutors (DDPs). All decision making processes should be properly documented giving detailed reasons why a particular decision to prosecute or not to prosecute was taken in a particular case. Accountability should be strictly enforced against investigators and prosecutors. All misconduct should be severely punished.

vii) Code of Ethics should be enacted based on Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors adopted by the International Association of Prosecutors on April 23, 1999.

***Supreme Court directions in Vineet Narain v. Union of India***

The Supreme Court of India had the occasion to monitor CBI investigation in the well known Jain Hawala Case. On December 18, 1998 passed directions with regard to CBI, CVC, Enforcement Directorate. Detailed directions were also given in respect of Nodal Agency and Prosecuting Agency [reported as 1998(1)SCC 226]. The directions regarding Prosecution Agency are reproduced below:

1. A panel of competent lawyers of experience and impeccable reputation shall be prepared with the advice of the Attorney General. Their services shall be utilized as prosecuting

counsel in cases of significance. Even during the course of investigation of an offence, the advice of a lawyer chosen from the panel should be taken by the CBI/ Enforcement Directorate.

2. Every prosecution which results in the discharge or acquittal of the accused must be reviewed by a lawyer on the panel and, on the basis of the opinion given, responsibility should be fixed for dereliction of duty, if any, of the officer concerned. In such cases, strict action should be taken against the officer found guilty of dereliction of duty.

3. The preparation of the panel of lawyers with the approval of the Attorney General shall be completed within three months.

4. Steps shall be taken immediately for the constitution of an able and impartial agency comprising persons of unimpeachable integrity to perform functions akin to those of the Director of Prosecutions in U.K. On the constitution of such a body, the task of supervising prosecutions launched by the CBI/Enforcement Directorate shall be entrusted to it.

5. Till the constitution of the aforesaid body, Special Counsel shall be appointed for the conduct of important trials on the recommendation of the Attorney General or any other law officer designated by him.

### ***Immediate reform***

The Task Group met a cross-section of prosecutors at Patiala on May 15, 2013 and discussed their problems and difficulties. The prosecutors have presented a list of their grievances and demands, which are quite fair and reasonable. These demands deserve to be considered favourably, pending the complete overhaul of the Directorate of Prosecution. The measures of reform which can be implemented immediately are as follows:

- Each prosecutor should be given a separate air conditioned office space, earmarked residences (rent free) with camp offices, adequate library and adequate

travelling allowance as per Government norms and laptop computers with internet facilities.

- Recruitment of Assistant District Attorneys (or Assistant Public Prosecutors) to fill vacancies in Punjab Assistant District Attorneys Grade II (Class III) Service should be carried out simultaneously with PCS (J), by treating the said service as an allied service.
- Time-scale promotions as recommended for Doctors by 5<sup>th</sup> Pay Commission. Some officers should be posted in the Advocate General's Office.
- Scales of pay & NPA as in the case of Doctors, Veterinary Doctors, and Law Officers in the Office of Advocate-General.



**Table Annexure “A”**

**Comparative Pay Structure**

**Prosecutors**

Director	37400-67000+10000	1
Additional Director	37400-67000+8700	1
Joint Director	15600-39100+8400	2+5 on deputation
Assistant Legal Adviser	15600-39000+6600	1
District Attorney	15600-39000+6600	27
Additional District Attorney	10300-34800+5400	79
Assistant District Attorney	10300-34800+4400	204

**Trial Judges**

District & Sessions Judges	57700 – 70290
Addl. D & S Js	51550 – 63070
Civil Judges (SD)	43690 – 56470
Addl. Civil Judges (SD)	39530 – 54010
Civil Judges (JD)	27700 – 44700

**Investigators**

D.S.P. (i)	15600 – 39100 + 5400	Initial pay 21000 (entry scale)
ii)	15600 – 39100 + 6600	Initial pay 25250 (after 4 yrs)
iii)	15600 – 39100 + 7600	Initial pay 31320 (after 9 yrs)
iv)	37400 – 67000 + 8600	Initial pay 46000 (after 14 yrs)
Inspector	10300 – 34800 + 4800	Initial pay 18250
Sub-Inspector	10300 – 34800 + 4600	Initial pay 18030
Assistant	10300 – 34800 + 4400	Initial pay 17420
Sub-Inspector		

**Advocate General, Punjab**

Advocate General	180000	1
Additional Advocate General	90000	72
Deputy Advocate General	88632	36
Assistant Advocate General	64459	43

Statements Annexure "B" (collectively)

**CONTESTED CRIMINAL TRIALS CONCLUDED IN 2012**

**SESSIONS JUDGE, PATIALA**

Sr.No.	U/S	Outcome	Weeks taken		Conviction : Acquittal
			Charge to judgment	Prosecution evidence	
1	302/201 IPC	Convicted	118	101	8:2
	302/224/225	Convicted	148	134	
	302/498-A IPC	Convicted	152	147	
	302/148/149 IPC	Convicted	172	163	
	302/34 IPC	Acquitted	8	5	
	302/34 IPC	Convicted	182	157	
	302/304-B/304-A IPC	Acquitted	13	10	
	302/307 IPC	Convicted	201	163	
	302/148/149 IPC	Convicted	61	43	
	302 IPC	Convicted	35	28	
	Average		91	81	
2	304-B/498-A/306/34 IPC	Convicted	39	32	2:2
	304-B IPC	Acquitted	16	10	
	304 Part II	Convicted	98	36	
	304-B IPC	Acquitted	56	56	
	Average		43	34	
3.	489-A/489-B/489-C	Acquitted	28	20	0:1
4.	306 IPC	Convicted	45	32	
	306 IPC	Acquitted	45	37	
	306/498-A IPC	Convicted	117	111	
	306/316 IPC	Convicted	48	39	

	306/409-A IPC	Convicted	207	184	5:2
	306 IPC	Convicted	77	63	
	306/34 IPC	Acquitted	51	34	
		Average	84	71	
5.	399/402 IPC	Acquitted	80	53	1:2
	399/402/489 IPC	Convicted	64	64	
	399/402 IPC	Acquitted	40	38	
		Average	61	51	
6.	25 A. Act	Convicted	24	20	2:0
		Convicted	34	14	
	Average	29	17		
7	467IPC, 13(1) PC Act	Convicted	250	300	1:0
8.	363/366-A IPC	Acquitted	22	1	0:5
	363/366/376 IPC	Acquitted	8	4	
	363/366-A/376	Acquitted	8	4	
	363/366/376 IPC	Acquitted	28	20	
	363-A/376	Acquitted	8	3	
		Average	15	6	
9.	376 IPC	Acquitted	17	15	2:1
	376/452/506 IPC	Convicted	27	11	
	376 IPC	Convicted	32	23	
		Average	16	10	
10.	135 Elect. Act	Acquitted	125	62	1:1
	135 Elect. Act	Convicted	55	50	
		Average	90	56	

Total = 44

- Average time for trial = 63
- Average time for prosecution= 55
- Conviction to Acquittal Ratio = 23:21
- Conviction rate = 52%

## ADDITIONAL SESSIONS JUDGE, PATIALA

Sr. No.	U/S	Outcome	Weeks taken		Conviction : Acquittal
			Charge to judgment	Prosecution evidence	
1.	18 NDPS	Convicted	200	221	8:1
	18 NDPS	Convicted	200	186	
	18 NDPS	Convicted	125	148	
	18 NDPS	Convicted	90	101	
	18 NDPS	Convicted	146	119	
	18 NDPS	Convicted	190	158	
	18 NDPS	Convicted	175	147	
	18 NDPS	Acquitted	190	169	
	18 NDPS	Convicted	100	20	
		Average	157	141	
2.	307 IPC	Convicted	288	266	2:4
	307 IPC	Convicted	190	165	
	307 IPC	Acquitted	30	19	
	307 IPC	Acquitted	300	322	
	307 IPC	Acquitted	198	136	
	307 IPC	Acquitted	46	22	
		Average	175	155	
3.	21 ND PS	Convicted	200	221	19:3
	21 ND PS	Convicted	160	153	
	21 ND PS	Convicted	110	90	
	21 ND PS	Acquitted	170	163	
	21 ND PS	Convicted	188	177	
	21 ND PS	Convicted	192	179	
	21 ND PS	Convicted	185	171	
	21 ND PS	Convicted	170	163	
	21 ND PS	Convicted	90	58	
	21 ND PS	Convicted	90	29	
	21 ND PS	Convicted	196	133	
	21 ND PS	Acquitted	197	167	
	21 ND PS	Convicted	150	129	
	21 ND PS	Convicted	60	25	
	21 ND PS	Acquitted	149	136	
	21 ND PS	Convicted	240	226	
	21 ND PS	Convicted	240	209	
	21 ND PS	Convicted	178	152	
	21 ND PS	Convicted	25	5	
	21 ND PS	Convicted	50	15	
	21 ND PS	--	230	219	
	21 ND PS	Convicted	35	11	
21 ND PS	Convicted	150	152		
		Average	150	130	

4.	324 IPC	Convicted	185	113	1:0
5.	15 ND PS	Acquitted	100	102	22:9
	15 ND PS	Convicted	192	125	
	15 ND PS	Acquitted	149	156	
	15 ND PS	Convicted	130	100	
	15 ND PS	Convicted	170	150	
	15 ND PS	Convicted	110	107	
	15 ND PS	Acquitted	165	138	
	15 ND PS	Convicted	120	133	
	15 ND PS	Convicted	140	141	
	15 ND PS	Convicted	190	192	
	15 ND PS	Acquitted	190	160	
	15 ND PS	Acquitted	160	147	
	15 ND PS	Convicted	198	185	
	15 ND PS	Convicted	199	180	
	15 ND PS	Convicted	195	174	
	15 ND PS	Acquitted	165	142	
	15 ND PS	Acquitted	144	120	
	15 ND PS	Convicted	120	144	
	15 ND PS	Convicted	166	141	
	15 ND PS	Convicted	146	120	
	15 ND PS	Convicted	146	101	
	15 ND PS	Acquitted	146	122	
	15 ND PS	Convicted	200	183	
	15 ND PS	Convicted	148	130	
	15 ND PS	Convicted	148	122	
	15 ND PS	Convicted	175	130	
	15 ND PS	Convicted	20	2	
	15 ND PS	Convicted	48	18	
15 ND PS	Convicted	100	74		
15 ND PS	Acquitted	182	151		
		Average	144	125	
6.	395 IPC	Acquitted	240	164	1:0
7.	306 IPC	Acquitted	26	26	2:3
	306 IPC	Acquitted	130	98	
	306 IPC	Acquitted	36	18	
	306 IPC	Convicted	70	40	
	306 IPC	Convicted	78	51	
			Average	68	
8.	20 ND PS	Convicted	180	62	5:0
	20 ND PS	Convicted	48	2	
	20 ND PS	Convicted	198	185	
	20 ND PS	Convicted	94	57	
	20 ND PS	Convicted	56	19	
9.	29 ND PS	Convicted	120	60	1:0
10.	302 IPC	Convicted	145	139	1:1
	302 IPC	Acquitted	57	38	
			Average	115	
11.	363,366 IPC	Acquitted	85	78	

	363,366 IPC	Acquitted	65	102	0:3
	363,366 IPC	Acquitted	152	117	
		Average	100	99	
12.	135 E Act	Convicted	90	41	1:0
13.	342, 376 IPC	Acquitted	58	33	0:3
	376 IPC	Acquitted	34	57	
	376 IPC	Acquitted	96	57	
		Average	62	49	
14.	22-61/85 ND PS Act	Convicted	76	26	2:0
	22 ND PS Act	Convicted	75	37	
		Average	75	31	
15.	458, 380 IPC	Acquitted	642	643	0:1
16.	399, 402 IPC	Convicted	130	99	2:1
	399, 402 IPC	Acquitted	84	56	
	399, 402 IPC	Convicted	52	40	
		Average	89	65	
17.	7 PC ACT	Convicted	210	171	1:0
18.	8,9,13 (2)	Acquitted	224	202	0:1

Total= 99

- Average time for trial = 143
- Average time for prosecution= 120
- Conviction to Acquittal Ratio = 67:31
- Conviction rate = 67%

## ADDITIONAL SESSIONS JUDGE, PATIALA

Sr. No.	U/S	Outcome	Weeks taken		Ratio of Conviction : Acquittal
			Charge to judgment	Recording prosecution evidence	
1.	21 ND PS	Acquitted	153	129	5:1
	21 ND PS	Convicted	182	165	
	21 ND PS	Convicted	48	40	
	21 ND PS	Convicted	28	16	
	21 ND PS	Convicted	241	217	
	21 ND PS	Convicted	200	156	
		Average		175	
2.	15 ND PS	Acquitted	69	70	50:3
	15 ND PS	Acquitted	64	67	
	15 ND PS	Convicted	308	338	
	15 ND PS	Convicted	286	245	
	15 ND PS	Convicted	336	278	
	15 ND PS	Convicted	286	223	
	15 ND PS	Acquitted	272	162	
	15 ND PS	Convicted	94	356	
	15 ND PS	Convicted	6	107	
	15 ND PS	Convicted	241	5	
	15 ND PS	Convicted	20	177	
	15 ND PS	Convicted	97	17	
	15 ND PS	Convicted	94	69	
	15 ND PS	Convicted	189	78	
	15 ND PS	Convicted	52	85	
	15 ND PS	Convicted	50	36	
	15 ND PS	Convicted	175	168	



	15 ND PS	Convicted	45	46	
	15 ND PS	Convicted	100	93	
	15 ND PS	Convicted	104	90	
	15 ND PS	Convicted	207	141	
	15 ND PS	Convicted	190	78	
	15 ND PS	Convicted	194	131	
	15 ND PS	Convicted	195	157	
	15 ND PS	Convicted	37	41	
	15 ND PS	Convicted	260	186	
	15 ND PS	Convicted	75	108	
	15 ND PS	Convicted	202	147	
	15 ND PS	Convicted	1 day	43	
	15 ND PS	Convicted	191	135	
	15 ND PS	Convicted	12	8	
	15 ND PS	Convicted	199	129	
	15 ND PS	Convicted	196	183	
	15 ND PS	Convicted	72	134	
	15 ND PS	Convicted	45	48	
	15 ND PS	Convicted	149	86	
	15 ND PS	Convicted	73	72	
	15 ND PS	Convicted	56	44	
	15 ND PS	Convicted	222	145	
	15 ND PS	Convicted	158	97	
	15 ND PS	Convicted	202	134	
	15 ND PS	Convicted	90	99	
	15 ND PS	Convicted	16	16	
		Average	122	101	
3.	18 ND PS	Convicted	226	161	
	18 ND PS	Convicted	287	213	
	18 ND PS	Convicted	312	255	
	18 ND PS	Acquitted	338	210	
	18 ND PS	Convicted	256	279	
	18 ND PS	Convicted	250	203	
	18 ND PS	Convicted	405	209	
	18 ND PS	Convicted	20	5	
	18 ND PS	Convicted	57	50	
	18 ND PS	Convicted	132	112	
		Average	208	154	
4.	302 IPC	Acquitted	47	39	0:1
5.	25 A Act	Convicted	303	243	
	25 A Act	Convicted	192	161	
		Average	247	202	2:0
6.	399/411,402 IPC	Acquitted	303	243	
	399/411,402 IPC	Acquitted	192	159	
	399,402 IPC	Convicted	192	161	1:2

		Average	229	187	
7.	304, 34 IPC	Acquitted	224	58	0:1
8.	307/323, 341/325, 506 IPC	Convicted	90	121	1:2
	307/148 IPC	Acquitted	242	200	
	307/323 IPC	Acquitted	302	240	
		Average	211	187	
9.	489A, 489B, 489C, 420 IPC	Convicted	407	358	1:0
10.	323/325, 148/149/307 IPC	Acquitted	48	36	0:1
11.	376 IPC	Convicted	206	141	1:1
	376 IPC	Acquitted	194	161	
		Average	219	160	
12.	306, 34 IPC	Acquitted	257	178	
13.	20 ND PS	Convicted	120	133	1:0
14.	452, 454 IPC	Convicted	380	378	1:0
15.	329, 323, 324, 148, 149 IPC	Convicted	382	320	1:0
16.	395 IPC	Convicted	158	294	1:0
17.	366, 34 IPC	Acquitted	207	237	0:1

Total= 94

- Average time for trial = 153
- Average time for prosecution= 123
- Conviction to Acquittal Ratio = 77:16
- Conviction rate = 82%

## ADDITIONAL SESSIONS JUDGE, PATIALA

Sr. No.	U/S	Outcome	Weeks taken		Ratio of Conviction : Acquittal
			Charge to judgment	Recording prosecution evidence	
1.	306 IPC	Acquitted	276	265	0:2
	306, 34 IPC	Acquitted	124	18	
		Average	200	141	
2.	307,323,324,447, 353,186,148,149 IPC	Acquitted	54	46	5:6
	307,452,336,206,294, 148,149 IPC	Acquitted	216	210	
	307, 341 IPC	Acquitted	47	44	
	307, 480, 427, 506, 148, 149 IPC	Convicted	391	381	
	307, 324, 120-B IPC	Acquitted	18	9	
	307, 323, 324, 325, 341, 356 IPC	Convicted	270	258	
	307, 323, 324 IPC	Acquitted	191	221	
	307, 323, 324, 332, 148, 149 IPC	Convicted	99	96	
	307, 324, 506, 148, 149 IPC	Convicted	92	52	
	307,506,148, 149 IPC	Acquitted	9	5	
	307,353,186, 506 IPC	Convicted	30	31	
		Average	129	123	
3.	406, 498-A, 354 IPC	Acquitted	452	85	0:1
4.	420,489-A,489B,489-C, 489-D, 489-E IPC	Convicted	47	41	2:0
	420, 489-C IPC	Convicted	76	47	
5.	382, 412 IPC	Convicted	92	84	1:0
6.	302, 148, 149 IPC	Acquitted	60	45	1:0
7.	363, 366 IPC	Acquitted	9	5	

	363, 366, 376 IPC	Acquitted	18	12	0:3
	363, 366, 376 IPC	Acquitted	42	38	
		Average	23	19	
8.	394, 402 IPC	Acquitted	67	45	1:0
9.	452, 326, 458, 148, 149 IPC	Convicted	216	166	1:0
10.	399, 402 IPC	Acquitted	66	52	0:1
11.	323,324,325, 308 IPC	Convicted	115	105	1:0

Total= 25

- Average time for trial = 123
- Average time for prosecution= 94
- Conviction to Acquittal Ratio = 10:15
- Conviction rate = 40%

## CHIEF JUDICIAL MAGISTRATE, PATIALA

Sr. No	U/S	Outcome	Weeks taken Charge to judgment	Weeks taken Recording prosecution evidence	Ratio of Conviction: Acquittal
1.	420 IPC	Acquitted	403	293	2:2
	420 IPC	Convicted	420	383	
	420-406 IPC	Acquitted	337	270	
	420, 495, 498-A IPC	Convicted	293	230	
		Average	363	294	
2.	13A G Act	Convicted	50	44	7:0
	13A G Act	Convicted	69	39	
	13A G Act	Convicted	88	80	
	13A G Act	Convicted	35	24	
	13A G Act	Convicted	37	15	
	13A G Act	Convicted	71	43	
	13A G Act	Convicted	110	63	
		Average	65	44	
3.	379, 411 IPC	Acquitted	405	346	4:6
	379, 411, 420 IPC	Convicted	389	330	
	379, 411 IPC	Convicted	76	66	
	380, 411 IPC	Acquitted	282	185	
	411 IPC	Convicted	267	223	
	379 IPC	Acquitted	100	56	
	379, 411 IPC	Convicted	374	376	
	380, 451 IPC	Acquitted	309	239	
	379, 411 IPC	Acquitted	389	243	
	380 IPC	Acquitted	373	231	
		Average	296	229	
4.	324, 325, 341 IPC	Convicted	253	205	4:8
	323, 341 IPC	Convicted	112	88	
	323, 325, 452 IPC	Acquitted	236	172	
	323, 324 IPC	Acquitted	263	239	
	323, 342 IPC	Acquitted	297	291	
	323, 341 IPC	Acquitted	210	145	
	323, 325, 34 IPC	Acquitted	121	52	
	323, 326 IPC	Acquitted	327	300	

	323, 325 IPC	Acquitted	187	150	
	324 IPC	Convicted	241	189	
	323 IPC	Acquitted	351	274	
	324, 506,34 IPC	Convicted	31	11	
		Average	219	176	
5.	68 Ex. Act	Convicted	76	35	5:0
	61 Ex. Act	Convicted	100	108	
	61 Ex. Act	Convicted	138	129	
	61 Ex. Act	Convicted	39	26	
	61 Ex. Act	Convicted	103	45	
Average		91	68		
6.	406, 498A IPC	Acquitted	155	82	1:4
	406,498A IPC	Convicted	527	505	
	409 IPC	Acquitted	321	205	
	406, 420 IPC	Acquitted	384	260	
	406, 409 IPC	Acquitted	363	274	
		Average	350	265	
7.	279,304A	Convicted	246	208	5:3
	279,304A IPC	Acquitted	202	137	
	279,304A IPC	Convicted	65	13	
	279 IPC	Convicted	159	141	
	279,427 IPC	Convicted	388	339	
	279 IPC	Convicted	177	163	
	304A IPC	Acquitted	244	206	
	279,304A IPC	Acquitted	380	353	
Average		232	195		
8.	465,468,471 IPC	Convicted	269	223	All Convicted
9.	409 IPC	Acquitted	427	265	All Acquitted
10.	174A IPC	Convicted	16	12	All Convicted
11.	293-294 IPC	Acquitted	309	239	All Acquitted
12.	353,186,294,34 IPC	Acquitted	337	270	All Acquitted
13.	382 IPC	Convicted	388	339	All Convicted
14.	4/8 Cow Act	Acquitted	319	256	All Acquitted
15.	51 Copy RA	Acquitted	350	242	

	51 Copy RA	Acquitted	403	300	0:2
		Average	376	271	

Total= 60

- Court-wise Ratio of the Conviction to Acquittal = 31:29
- Percentage of Conviction = 51.66%
- Court-wise Average time in weeks =239 weeks
- Court-wise Prosecution time in weeks=187 weeks

# ADDITIONAL CHIEF JUDICIAL MAGISTRATE, PATIALA

Sr. No	U/S	Outcome	Time Taken (weeks) Charge to judgment	Time taken (weeks) Recording prosecution evidence	Category wise Ratio of Conviction :
					Acquittal
1	304A IPC	Acquitted	161	146	7:17  One PO
	304A IPC	Convicted	273	257	
	304A IPC	Acquitted	323	303	
	304A IPC	Acquitted	57	38	
	304A IPC	Acquitted	315	293	
	304A IPC	Convicted	248	176	
	304A IPC	Acquitted	162	143	
	304A IPC	PO	212	152	
	304A IPC	Acquitted	279	265	
	304A IPC	Acquitted	99	82	
	304A IPC	Convicted	284	267	
	304A IPC	Convicted	232	219	
	304A IPC	Acquitted	189	179	
	304A IPC	Acquitted	238	228	
	304A IPC	Acquitted	195	175	
	304A IPC	Acquitted	158	141	
	304A IPC	Acquitted	44	59	
	304A IPC	Convicted	270	240	
	304A IPC	Acquitted	144	129	
	304A IPC	Convicted	309	299	
	304A IPC	Acquitted	11	Wrong Data	
	304A IPC	Convicted	247	234	
	304A IPC	Acquitted	59	48	
304A IPC	Acquitted	182	163		
304A IPC	Acquitted	148	136		
		Average	193	182	
2	61 Ex Act	Convicted	8	Wrong data	6:02
	61 Ex Act	Acquitted	256	243	
	61 Ex Act	Convicted	70	65	



	61 Ex Act	Convicted	450	434	One PO and one Abated
	61 Ex Act	Convicted	32	16	
	61 Ex Act	Abated	127	120	
	61 Ex Act	PO	78	64	
	61 Ex Act	Acquitted	261	249	
	61 Ex Act	Convicted	64	57	
	61 Ex Act	Convicted	75	61	
		Average	142	145	
3	283 IPC	Convicted	43	26	5:00
4	420 IPC	Acquitted	322	303	6:09
	420 IPC	Acquitted	237	216	
	420 IPC	Acquitted	266	249	
	420 IPC	Acquitted	421	211	
	420 IPC	Convicted	443	219	
	420 IPC	Convicted	283	266	
	420 IPC	Convicted	479	464	
	420 IPC	Convicted	339	327	
	420 IPC	Convicted	486	473	
	420 IPC	Acquitted	456	445	
	420 IPC	Convicted	81	70	
	420 IPC	Acquitted	244	227	
	420 IPC	Acquitted	273	257	
	420 IPC	Acquitted	198	184	
	420 IPC	Acquitted	488	467	
Average		334	292		
5	353,186 IPC	Acquitted	548	213	0:03
	353, 186 IPC	Acquitted	303	290	
	353, 180 IPC	Acquitted	446	430	
		Average	432	311	
6	452 IPC	Acquitted	208	189	2:06
	452 IPC	Acquitted	107	93	
	452 IPC	Acquitted	182	170	
	452 IPC	Acquitted	71	61	
	452 IPC	Acquitted	210	192	
	452 IPC	Acquitted	239	227	
	452 IPC	Convicted	208	198	

	452 IPC	Convicted	293	275	
		Average	190	175	
7	411 IPC	Convicted	70	58	11:02
	411 IPC	Convicted	47	7	
	411 IPC	Acquitted	31	14	
	411 IPC	Convicted	3	Wrong data	
	411 IPC	Convicted	505	491	
	411 IPC	Convicted	17	10	
	411 IPC	Convicted	89	73	
	411 IPC	Convicted	89	73	
	411 IPC	Convicted	Wrong Data	Wrong data	
	411 IPC	Convicted	13	Wrong data	
	411 IPC	Convicted	355	348	
	411 IPC	Convicted	132	114	
	411 IPC	Acquitted	43	29	
		Average	116	121	
8	279 IPC etc.	Acquitted	46	32	2:09
	279 IPC etc.	Acquitted	64	96	
	279 IPC etc.	Acquitted	80	60	
	279 IPC etc.	Convicted	347	334	
	279 IPC etc.	Acquitted	135	120	
	279 IPC etc.	Acquitted	690	676	
	279 IPC etc.	Acquitted	157	143	
	279 IPC etc.	Convicted	91	83	
	279 IPC etc.	Acquitted	72	55	
	279 IPC etc.	Acquitted	251	237	
	279 IPC etc.	Acquitted	221	208	
Average		196	186		
9	447 IPC	Acquitted	359	342	1:05
	447 IPC	Acquitted	147	131	
	447 IPC	Acquitted	162	144	
	447 IPC	Convicted	257	244	
	447 IPC	Acquitted	247	238	
	447 IPC	Acquitted	50	35	
		Average	203	189	
10	25 A Act	Convicted	305	303	All convicted

11	326 IPC	Acquitted	140	126	1:01
	326 IPC	Convicted	277	258	
		Average	208	192	
12	486-A, 498-A IPC	Acquitted	171	145	2:04 & 2 discharged
	498-A IPC	Acquitted	294	284	
	498-A IPC	Discharge	234	225	
	498-A IPC	Discharge	59	45	
	498-A IPC	Convicted	313	292	
	498-A IPC	Acquitted	180	163	
	498-A IPC	Acquitted	285	265	
		Convicted	313	299	
Average	231	214			
13	354 IPC	Acquitted	13	1	0:04
	354 IPC	Acquitted	302	287	
	354 IPC	Acquitted	38	24	
	354 IPC	Acquitted	330	323	
		Average	170	159	
14	382 IPC	Convicted	155	139	3:00
	382 IPC	Discharge	457	450	
	382 IPC	Convicted	0	Wrong data	
	382 IPC	Convicted	273	260	
		Average	221	283	
15	324 IPC	Acquitted	73	61	1:07 & one abated
	324 IPC	Acquitted	278	264	
	324 IPC	Abated	224	218	
	325 IPC	Acquitted	85	70	
	324 IPC	Acquitted	196	180	
	324 IPC	Acquitted	295	282	
	323 IPC	Acquitted	196	182	
	325 IPC	Convicted	267	246	
	323 IPC	Acquitted	305	294	
Average		213	200		
16	457/380 IPC	Acquitted	346	339	5:06
	457/380-A IPC	Acquitted	371	361	
	380 IPC	Convicted	379	366	
	454 IPC	Convicted	14	Wrong data	

	380 IPC	Acquitted	97	85	
	454 IPC	Acquitted	Wrong data	Wrong data	
	380, 411 IPC	Convicted	4	Wrong data	
	380 IPC	Acquitted	339	332	
	380 IPC	Convicted	9	Wrong data	
	380 IPC	Convicted	7	Wrong data	
	454 IPC	Acquitted	230	220	
		Average	179	336	
17	406 IPC	Acquitted	125	100	All Acquitted
18	365 IPC	Discharge	32	18	All Discharged
19	35/6/4 ITM Act	Acquitted	275	254	All Acquitted
20	379 IPC	Convicted	193	184	All Convicted
21	465 IPC	Acquitted	374	356	All Acquitted

Total= 152

- Court-wise Ratio of the Conviction to Acquittal = 66:78 and 4 discharged, 2 abated and 2 PO.
- Percentage of Conviction = 44%
- Court-wise Average time in weeks =185
- Court-wise Prosecution time in weeks=178

## JUDICIAL MAGISTRATE, RAJPURA

Sr. No.	U/S	Outcome	Time taken (weeks)  Charge to judgment	Time Taken (Weeks) Recording prosecution evidence	Category wise Ratio of Conviction : Acquittal
<b>1</b>	419/420/470/120B IPC	Convicted	367	290	1:02
	420/120B IPC	Acquitted	236	184	
	420/272 IPC	Acquitted	216	183	
		Average	273	219	
<b>2</b>	324/341 IPC	Convicted	311	119	9:21
	323/324 IPC	Convicted	413	106	
	325 IPC	Convicted	315	263	
	324 IPC	Convicted	416	348	
	323/342 IPC	Acquitted	302	37	
	325 IPC	Convicted	256	213	
	324 IPC	Convicted	236	129	
	325/326 IPC	Acquitted	420	372	
	323 IPC	Acquitted	88	12	
	325 IPC	Acquitted	154	58	
	325 IPC	Convicted	288	244	
	325 IPC	Convicted	248	187	
	324 IPC	Acquitted	194	132	
	324 IPC	Convicted	248	215	
	324 IPC	Acquitted	88	49	
	324 IPC	Acquitted	300	197	
	323 IPC	Acquitted	300	197	
	323/324 IPC	Acquitted	308	304	
	324 IPC	Acquitted	264	170	
	323 IPC	Acquitted	376	362	
	325 IPC	Acquitted	280	1	
	325 IPC	Acquitted	280	1	
	323 IPC	Acquitted	28	6	
	325 IPC	Acquitted	316	289	
325 IPC	Acquitted	313	289		
	Average	253	165		
<b>3</b>	279/338 IPC	Convicted	210	56	17:28
	279 IPC	Convicted	316	21	
	279/304-A IPC	Acquitted	280	224	
	279 IPC	Acquitted	208	144	
	279 IPC	Acquitted	316	198	
	279/304-A IPC	Acquitted	204	139	

	279 IPC	Acquitted	246	178	
	279/304-A IPC	Acquitted	258	229	
	279/304-A IPC	Convicted	261	222	
	279/304-A IPC	Convicted	310	302	
	279 IPC	Convicted	284	219	
	279/304-A IPC	Acquitted	236	238	
	279/304-A IPC	Acquitted	204	156	
	279 IPC	Acquitted	100	17	
	279 IPC	Acquitted	198	155	
	279 IPC	Convicted	200	171	
	279 IPC	Convicted	264	212	
	279 IPC	Convicted	188	151	
	279/304-A IPC	Convicted	220	177	
			208	164	
	279/304-A IPC	Convicted	260	218	
	279 IPC	Convicted	278	242	
	279/338 IPC	Convicted	168	132	
	279 IPC	Convicted	248	205	
	279 IPC	Acquitted	188	130	
	279 IPC	Acquitted	316	232	
	279/304-A IPC	Acquitted	224	158	
	279/304-A IPC	Acquitted	312	147	
	279/304-A IPC	Acquitted	272	246	
	279 IPC	Punished	180	139	
	279 IPC	Acquitted	116	13	
	279 IPC	Convicted	136	84	
	279 IPC	Convicted	376	355	
	279/304-A IPC	Acquitted	64	33	
	279 IPC	Convicted	372	353	
	279/304-A IPC	Acquitted	184	90	
	279/304-A IPC	Acquitted	204	115	
	279/304-A IPC	Acquitted	304	280	
	279 IPC	Acquitted	376	356	
	279/304-A IPC	Acquitted	364	10	
	279/304-A IPC	Acquitted	392	258	
	279 IPC	Acquitted	252	106	
	279/304-A IPC	Acquitted	108	5	
		Average	273	164	
<b>4</b>	61 Ex Act	Acquitted	202	121	21:09
	61 Ex Act	Acquitted	265	56	
	61 Ex Act	Acquitted	260	215	
	61 Ex Act	Acquitted	308	184	
	61 Ex Act	Convicted	216	161	
	61 Ex Act	Acquitted	288	248	
	61 Ex Act		192	139	
	61 Ex Act	Punished	348	327	
	61 Ex Act	Acquitted	292	3	

	61 Ex Act	Convicted	76	65	
	61 Ex Act	Convicted	120	67	
	61 Ex Act	Convicted	124	58	
	61 Ex Act	Convicted	108	78	
	61 Ex Act	Convicted	148	100	
	61 Ex Act	Convicted	120	104	
	61 Ex Act	Convicted	136	46	
	61 Ex Act	Convicted	104	68	
	61 Ex Act	Convicted	156	74	
	61 Ex Act	Convicted	152	109	
	61 Ex Act	Convicted	52	27	
	61 Ex Act	Convicted	84	50	
	61 Ex Act	Convicted	104	52	
	61 Ex Act	Convicted	32	3	
	61 Ex Act	Convicted	48	19	
	61 Ex Act	Acquitted	164	47	
	61 Ex Act	Acquitted	355	216	
		Average	162	100	
<b>5</b>	379/411 IPC	Acquitted	264	35	0:05
	379 IPC	Acquitted	304	255	
	379/411 IPC	Acquitted	276	142	
	381/411 IPC	Acquitted	260	72	
		Average	288	126	
<b>6</b>	457/511 IPC	Acquitted	316	198	
	447 IPC	Acquitted	357	229	
		Average	263	213	
<b>7</b>	452/324 IPC	Acquitted	240	181	1:01
	452 IPC	Convicted	256	178	
		Average	248	179	
<b>8</b>	283/304-A IPC	Acquitted	204	193	1:01
<b>9</b>	406/498-A IPC	Acquitted	362	356	All
					Acquitted
<b>10</b>	356/379 IPC	Acquitted	292	254	All
					Acquitted
<b>11</b>	182 IPC	Acquitted	138	126	1:03
	182 IPC	Convicted	268	213	
	182 IPC	Acquitted	184	134	
	182 IPC	Acquitted	344	279	
		Average	232	188	
<b>12</b>	435 IPC	Acquitted	98	185	All
					Acquitted
<b>13</b>	15(2) Med Act	Acquitted	192	138	All
					Acquitted
<b>14</b>	25 54/59 A. Act	Acquitted	292	141	All
					Acquitted
<b>15</b>	336, 337,338 IPC	Convicted	280	250	All

					Convicted
<b>16</b>	294/353 IPC	Acquitted	--	204	All
					Acquitted
<b>17</b>	G. Act	Convicted	--	Same day	All
					Convicted
	G. Act	Convicted	84	1	
<b>18</b>	354 IPC	Acquitted	280	250	All
					Acquitted
<b>19</b>	PUDA Act	Acquitted	344	328	All
					Acquitted
<b>20</b>	304-A IPC	Acquitted	360	342	All
					Acquitted
<b>21</b>	Cow's Act	Acquitted	--	206	All
					Acquitted

Total=138

- Court-wise Ratio of the Conviction to Acquittal = 55:83
- Percentage of Conviction = 40%
- Court-wise Average time in weeks =229
- Court-wise Prosecution time in weeks=137



## JUDICIAL MAGISTRATE, PATIALA

Sr. No.	U/S	Outcome	Time taken (weeks) Charge to judgment	Time Taken (Weeks)Recording prosecution evidence	Category wise Ratio of Conviction : Acquittal
1	324 IPC	Convicted	140	121	7:10
	324,323,148,149 IPC	Acquitted	165	56	
	323,324 IPC	Convicted	246	192	
	323, 325 IPC	Acquitted	286	212	
	323, 325, 34 IPC	Acquitted	85	22	
	323, 324, 148,149 IPC	Acquitted	116	13	
	324/452,324/341 IPC	Acquitted	66	41	
	324 IPC	Acquitted	70	8	
	323, 341, 506 IPC	Acquitted	95	78	
	324, 325 IPC	Acquitted	94	78	
	323,324,148,149 IPC	Convicted	10	1	
	323,324 IPC	Convicted	116	35	
	323,325, 34 IPC	Convicted	94	43	
	323,341,506,34 IPC	Acquitted	123	10	
	323,341,506,34 IPC	Acquitted	428	205	
	323,325 IPC	Convicted	80	45	
	323,326,341 IPC	Convicted	80	69	
	Average	135	72		
2	13A3 Act	Convicted	21	12	
	13A3 Act	Convicted	3	42	
	13A3 Act	Convicted	112	5	
	13A3 Act	Convicted	8	5	
	13A3 Act	Convicted	8	5	
	13A3 Act	Convicted	48	12	
	13A3 Act	Convicted	208	187	
	13A3 Act	Convicted	2	1	
	13A3 Act	Convicted	32	21	
		Average	25	8	
3	279,337 IPC	Convicted	168	124	4:01
	279, 337	Acquitted	56	22	
	279, 337 IPC	Convicted	180	61	
		Average	98	52	
4	379,411 IPC	Convicted	24	4	
	379,411 IPC	Acquitted	135	59	
	379 IPC	Convicted	97	18	
	379,411,201,34 IPC	Convicted	128	110	
	379,411 IPC	Convicted	25	20	
	379 IPC	Convicted	280	320	

		Average	97	75	
5	61 Ex Act	Acquitted	125	109	4:02
	61 Ex Act	Acquitted	103	52	
	61 Ex Act	Convicted	30	27	
	61 Ex Act	Convicted	56	39	
	Average		63	38	
6	420,406 IPC	Acquitted	509	296	0:05
	420 IPC	Acquitted	182	130	
	420 IPC	Acquitted	72	47	
	420,406 IPC	Acquitted	87	44	
	420,120-B IPC	Acquitted	59	31	
	Average		189	109	
7	304-A,337,338,427 IPC	Acquitted	30	22	2:04
	304-A,279 IPC	Acquitted	35	4	
	304-A,279,337 IPC	Acquitted	213	197	
	304-A,279 IPC	Acquitted	199	187	
	304-A, 279 IPC	Convicted	206	203	
	Average		116	106	
8	188 IPC	Acquitted	214	57	All Acquitted
9	302, 34 IPC	Acquitted	760	532	0:03
	302 IPC	Acquitted	236	127	
	302, 382,34 IPC	Acquitted	50	2	
	Average		348	220	
10	380,457,411 IPC	Convicted	24	8	5:00
	382,411 IPC	Convicted	48	26	
	380,457,411 IPC	Convicted	60	53	
	411 IPC	Convicted	432	61	
	380,457 IPC	Convicted	28	10	
	Average		118	31	
11	25 A Act	Convicted	40	32	4:00
	25 A Act	Convicted	278	217	
	25 A Act	Convicted	236	113	
	Average		148	90	
12	353,186,506 IPC	Acquitted	210	152	All Acquitted
13	356,323,287,506 IPC	Acquitted	195	141	All Acquitted
14	354,509 IPC	Acquitted	188	11	All Acquitted
15	376 IPC	Convicted	136	58	3:01
	376,506 IPC	Acquitted	95	88	
	376,365 IPC	Convicted	168	92	
	Average		101	59	
16	382,341 IPC	Acquitted	54	78	All Acquitted
17	21-61/85 NDPS Act	Convicted	147	100	3:00
	21-61/85 NDPS Act	Convicted	155	87	
	18-61/85 ND PS Act	Convicted	362	152	
	Average		221	113	
18	307,324 IPC	Convicted	366	260	All Convicted

19	363,366,366A IPC	Acquitted	156	126	1:01
	363,366A,376	Convicted	83	39	
		Average	119	82	
20	452,458,354 IPC	Acquitted	294	93	All Acquitted
	457,380 IPC	Convicted	296	17	6:01
	457,380 IPC	Convicted	302	196	
	457,380 IPC	Convicted	170	9	
	457,380 IPC	Acquitted	189	69	
	457,380 IPC	Convicted	4	3	
		Average	146	42	
24	399,402IPC	Convicted	136	14	1:00
25	15 NDPS	Convicted	252	44	4:00
	15 NDPS	Convicted	111	57	
	15 NDPS	Convicted	104	44	
	15 NDPS	Convicted	124	110	
	Average	148	68		

Total= 122

- Court-wise Ratio of the Conviction to Acquittal = 86:36
- Percentage of Conviction = 70%
- Court-wise Average time in weeks =108
- Court-wise Prosecution time in weeks=57

## **References & Reading Material**

1. 1<sup>st</sup> Law Commission of India (14<sup>th</sup> Report)
2. 14<sup>th</sup> Law Commission of India (154<sup>th</sup> Report)
3. Malimath Committee Report
4. S.B.Shahane v. State of Maharashtra 1995 SCC (Cri) 787
5. Vineet Narain v. Union of India 1998 (1) SCC 226
6. The Code for Crown Prosecutors (England)
7. Prosecution Policy (Australia)
8. Comparative Analysis of Prosecution Systems (Parts I & II) by Dr Despina Kyprianou (Cyprus)
9. Public Prosecution in India by Dr K N Chandrasekharan Pillai, Director, Indian Law Institute
10. Standards of Professional Responsibility and Statement of Essential Duties and Rights of Prosecutors drafted by International Prosecutors Association (1999)



