

# **STAGES OF A CASE**

# **Criminal Trials in India: A Step-by-Step Guide**

The legal system in India plays an important role in ensuring justice for all. Criminal trials in India follow a structured process that focuses on fairness and adherence to the principles of natural justice. In this blog post, we will provide a simple step-by-step guide to help you understand how criminal trials work in India.

# ***1. Filing of the First Information Report (FIR)***

- The process starts with filing an FIR. This is a written document that contains information about the alleged offense and is submitted to the local police station. The FIR serves as the basis for starting the investigation and subsequent legal proceedings.

## ***2. Investigation and Arrest***

- After the FIR is filed, the police conduct an investigation to gather evidence and identify the accused. They visit the crime scene, collect witness statements, and analyze any relevant forensic evidence. If the investigation reveals enough evidence to suggest a person's involvement, the police may make an arrest.

### ***3. Filing of Chargesheet***

- Once the investigation is complete, the police prepare a chargesheet. This document includes a detailed account of the evidence gathered during the investigation, the charges against the accused, and the names of witnesses. The chargesheet is then submitted to the court, and it forms the basis for the trial.

## ***4. Framing of Charges***

- Upon receiving the chargesheet, the court examines the evidence and decides which charges to formally bring against the accused. The accused is informed about the charges and has the opportunity to respond. They can also seek legal representation for their defense.

## ***5. Examination of Witnesses and Cross-Examination***

- During the trial, the prosecution presents their witnesses, who provide their testimonies under oath. The defense counsel then cross-examines these witnesses to test the credibility of their statements and challenge the evidence presented.

## ***6. Presentation of Evidence and Arguments***

- Both the prosecution and the defense have a chance to present their evidence and arguments before the court. The prosecution tries to prove the guilt of the accused beyond a reasonable doubt, while the defense aims to establish reasonable doubt or question the credibility of the prosecution's case.



## ***7. Closing Arguments and Judgment***

- After the presentation of evidence and arguments, both parties make their **closing statements summarizing their positions**. The judge carefully considers all the evidence, arguments, and legal aspects of the case before delivering the final verdict. The judgment can result in the acquittal or conviction of the accused, followed by the imposition of an appropriate sentence.

## ***8. Appeal and Revision***

- If any party is dissatisfied with the judgment, they have the right to challenge it by filing an appeal. Higher courts, such as the High Court or the Supreme Court, review the case to determine if any errors or miscarriages of justice occurred. Additionally, the aggrieved party may also file a revision petition for the higher court to review the legality, regularity, or propriety of the lower court's decision.

# Conclusion

- Criminal trials in India follow a structured process to ensure fairness and justice. From filing an FIR to the final judgment, each step is important in examining the evidence, questioning witnesses, and presenting arguments. The Indian legal system emphasizes the principle of "innocent until proven guilty," and aims to conduct trials in a transparent and impartial manner.

# Stages in Civil Litigation

# Institution Phase

1. Notice (optional /mandatory)
2. Filing of Complaint
3. Issuing of Summons
4. Appearance –Parties (Defendant- Personally /Rep)
5. Interlocutory Proceedings/maintain position /status quo
6. Written statement & counter claim by defendant  
(30 days -date of summons)
7. Replication'/Rejoinder by Plaintiff
8. Framing of Issues
9. Production of documents (Parties/ Others= Summons)
10. Inspection and Discovery of Documents (parties admit or deny )(Ascertain facts/deliver interrogatories)

# Trial Phase

11.Plaintiff Evidence

12.Cross-Examination of Plaintiff/Plaintiff's Witnesses

13.Defendant Evidence

14.Cross-Examination of Defendant Evidence

15.Final Argument

# JUDGEMENT PHASE

16. Judgement ( decision on issues framed)/Decree  
(J in his favour=Decree Holder/ Judgment Debtor)
17. Review (30 days)
18. Appeal & Revision (60-90 days)
19. Notice to show cause against execution
20. Decree Execution(Orders for Execution of Decree)

# DISMISS A CASE BEFORE TRIAL

- Yes, a judge can dismiss a case before trial if the plaintiff *fails to state a claim for relief* or if the *plaintiff's claim is found to be frivolous or malicious.*
- What happens if plaintiff does not show?
- If the plaintiff does not show, the case may be dismissed on account of non-appearance.



# DISCOVERY OF EVIDENCE THROUGH INTERROGATORIES

- Discovery of evidence by interrogatories are provided for under Sec. 30 and Order 11 of the CPC. The meaning of interrogatories may not be directly clear, but the form of interrogatories portrayed in Appendix C to the Civil Procedure Code, 1908 provide us a fair idea. To put it simply it is a list of questions, in the form of a questionnaire which is served on the other party/parties. It is also notable that the interrogatories in Appendix C are in the form of leading questions.

# INTERROGATORIES - POINTS TO NOTE

- The leave of the Court must be obtained.
- An affidavit must be filed seeking the leave of the Court as provided for in Form 1 of Appendix C to the CPC, which must be accompanied by the interrogatories.
- A separate order must be obtained in case a party wishes to deliver more than one set of interrogatories to the same party
- An affidavit to answer the interrogatories must be filed within ten days from the date of service, or within such other time as the Court may allow.
- The interrogatories need not be answered personally, but may be answered through a recognized agent.
- Any one or more of the answers to the interrogatories may be used in trial as evidence.

# **INTERROGATORIES - POINTS TO NOTE**

- Interrogatories which do not relate to any matters or the question in the suit shall be deemed irrelevant, even if they might be admissible in the cross examination of the witnesses.**
- A interrogatory may be set aside on the ground that they are exhibited unreasonably or vexatiously.**
- An interrogatory may be struck out on the ground that they are prolix, oppressive, unnecessary or scandalous.**
- An application for the above purpose may be made within seven days after the service of the interrogatories.**
- Alternatively, an affidavit for answer can contain objections to the interrogatories on the ground that they are scandalous, not bona fide and immaterial at that stage of suit.**
- If a party interrogated omits to answer, or answers insufficiently, the party interrogated may apply to the Court requiring the interrogated party to answer the omitted question, or to further answer the question which is insufficiently answered.**

# UTILITY OF INTERROGATORIES

- **Interrogatories are an essential tool to save time and protect the adversary against delay. The evidence stage is an important part of civil proceedings, and consumes a lot of time. This is primarily because, the presence of the parties and witnesses are necessary. Further, there may be documents which have to be submitted the Court which requires time. But, when the deposition required to be taken against the opposite party is simply recorded without the presence of the party, but has the same value as such, it may halve the time consumed in the evidence stage. It is notable that the limitation to answer the interrogatories is ten days.**
- **It must be noted that the affidavit submitted in response to interrogatories have huge evidentiary value. Most lawsuits rest upon one straight question, if the opposite party put to answer, will make him lose his morale, as he may not have a direct answer. The appearance of the parties for simple questions may be unthinkable in many cases.**