Subject Name: Code of Criminal Procedure
Topic Name: Trial in Summons Cases

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Summon-cases encompass offences not classified as warrant cases, typically punishable with imprisonment not exceeding two years. Given their often trivial nature, these cases undergo expedited proceedings, employing a summary procedure intended for swift adjudication, as elucidated by the Law Commission's 41st Report.

Procedure in a Summons-Case

Upon the accused's appearance or arraignment before the Magistrate, the accusation's particulars are presented, foregoing the necessity of formal charges. The accused is then prompted to enter a plea, either guilty or present a defence (Sec. 251).

However, the Code's provisions concerning the joinder of charges and joint trials apply, necessitating adherence to the warrant-case procedure if tried concurrently (Sec. 251).

Conviction on Plea of Guilty

Should the accused plead guilty, the Magistrate records the plea verbatim and may proceed to convict accordingly (Sec. 252).

Notably, the Magistrate retains discretion in conviction, requiring additional evidence if deemed necessary or if the prosecution's report lacks statutory offence substantiation ***(Purushottam Subra v State, 1992 CrLJ 1417 (Ori)).***

Conviction in Absentia in Petty Cases

In instances where the accused pleads guilty without physical appearance, typically in petty cases, transmission of a plea letter along with the specified fine enables the Magistrate to convict in absentia, facilitating expedited resolution (Sec. 253). This provision underscores the expediency imperative in petty case disposition.

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Procedure in Case of Non-Conviction

Should the Magistrate opt against conviction (under Sec. 252 or Sec. 253), a comprehensive examination of prosecution and defence evidence ensues (Sec. 254(1)). The Magistrate prioritises hearing the prosecution before the defence and may issue processes to secure witness attendance as warranted (Sec. 254(2)). The court is duty-bound to issue summons upon prosecution's request, ensuring witness availability (State v Veerappan AIR 1980 Mad 260 (F.B.)).

Acquittal or Conviction Determination

Upon thorough consideration of presented evidence, if the Magistrate finds the accused not guilty, an order of acquittal is recorded (Sec. 255(1)). Conversely, failure to adhere to Sec. 325 or Sec. 360 mandates sentencing upon conviction (Sec. 255(2)). Notably, Sec. 255(3) empowers the Magistrate to convict for offences established by the prosecution's evidence, even diverging from initial charges, provided the accused isn't prejudiced, ensuring fair adjudication.