Subject Name: Code of Criminal Procedure
Topic Name: Trial before Court of Session

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Trial in a Court of Session

In the criminal justice system, cases carrying severe penalties such as death or lengthy imprisonments exceeding seven years are entrusted to the jurisdiction of the Sessions Court.

The procedure of conducting preliminary inquiries by a Magistrate to commit cases for trial before the Sessions Court has undergone reform, rendering Sections 225 to 237 pivotal in outlining the trial process within the Sessions Court.

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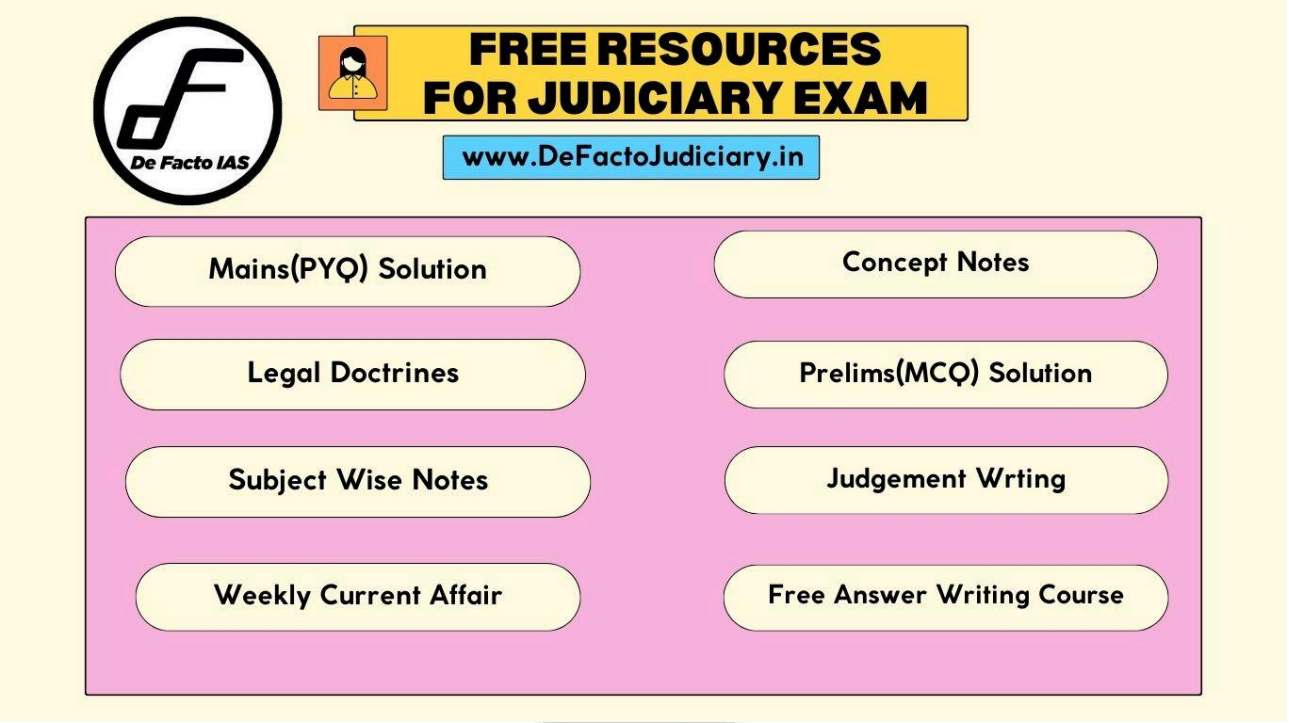
Continuity and Integrity of Proceedings

The trial within a Court of Session must maintain an uninterrupted trajectory from commencement to conclusion. The principle of continuity dictates that the trial should not be fragmented, barring exceptional circumstances necessitating adjournment ***(Bhagirath v State of M.P AIR 1976 SC 975)***. The judiciary is bound to ensure a seamless progression of the trial, avoiding piecemeal approaches.

Key Elements of a Sessions Trial

Prosecution's Responsibility

The mantle of prosecution in Sessions Court trials rests upon the shoulders of the public prosecutor (Sec. 225). Upon the appearance of the accused, the prosecutor initiates proceedings by delineating the charges and outlining the evidence to substantiate guilt (Sec. 226).



Discharge of Accused

Following meticulous scrutiny, if the court deems insufficient grounds to proceed against the accused, it mandates discharge, duly recording the rationale (Sec. 227). At this juncture, the focus remains on the plausibility of conviction rather than meticulous assessment of evidence **(State of Bihar v Ramesh Singh AIR 1997 SC 2018).**

Framing of Charges

Upon establishing prima facie evidence warranting trial within the Sessions Court, the judge formally frames charges against the accused (Sec. 228(1)). The accused is then apprised of the charges and given the opportunity to enter a plea (Sec. 228(2)).

Prosecution Evidence and Examination

The court proceeds to examine prosecution witnesses, permitting cross-examination and recall as necessary (Sec. 231(1)-(2)). The prosecution's duty encompasses presenting material witnesses essential to unravelling the narrative, regardless of their testimony's inclination **(Habeeb Mohd. v State of Hyderabad AIR 1954 SC 51)**.

Acquittal or Defence

Upon scrutiny of prosecution evidence and the accused's examination, the court either acquits the accused in the absence of incriminating evidence (Sec. 232), or calls upon the accused to present their defence (Sec. 233(1)-(2)). The judge maintains discretion in issuing processes for witness or document production (Sec. 233(3)).

Two Stages of Evaluation

In the Sessions trial paradigm, the process unfolds in two distinct stages post-examination of the accused. Initially, the court deliberates on the existence of evidence against the accused, leading to acquittal if found lacking (Sec. 232). Subsequently, if evidence is substantial, the accused is afforded an opportunity to present their defence (Sec. 233).

Conclusion and Final Arguments

As the defence concludes its witness examination, the prosecutor summarises the case, with provision for the accused or their representative to respond. Should legal points arise, both parties are granted the opportunity to present their submissions (Sec. 234).