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

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Introduction

Warrant cases, entailing penalties such as death or imprisonment exceeding two years, undergo scrutiny within the domain of magisterial jurisdiction. The Code of Criminal Procedure delineates distinct procedures for the trial of such cases, categorised as those initiated via police reports and those arising from complaints.

Cases Instituted on Police Report

In instances where cases are initiated based on police reports, the magistrate holds the authority to discharge the accused upon review of the police report and accompanying documents. Should the need for trial persist, the magistrate proceeds to hear the prosecution and collect evidence, culminating in the framing of charges for a regular trial.

Prosecution's Evidence

Upon refusal of plea or lack thereof by the accused, or upon the magistrate's abstention from conviction under Sec. 241, a date for witness examination is set (Sec. 242(1)). A pivotal provision, inserted by the 2008 Amendment, mandates the advance supply of witness statements recorded during police investigations to the accused.

Furthermore, the magistrate, either on prosecution's request or suo motu, may summon witnesses or procure documents (Sec. 242(2)). However, the court reserves the right to decline such requests in instances of prosecution negligence.

Defence's Presentation

Subsequent to the prosecution's evidence, the accused is prompted to present their defence and furnish evidence, with written statements duly filed by the magistrate (Sec. 243(1)). Requests by the accused for witness summoning or document production are entertained unless deemed vexatious or aimed at subverting justice, with the magistrate mandated to record reasons for refusal in writing (Sec. 243(2)).

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Cases Instituted Otherwise than on Police Report

In cases initiated through means other than police reports, the magistrate proceeds to hear the prosecution, gathering evidence and summoning witnesses as necessary (Sec. 244). The court retains the prerogative to permit the examination of witnesses not initially listed by the prosecution, ensuring a comprehensive assessment of the case.

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