

LEGAL PROCEDURE

- In case of death in custody (Police, jail, psychiatric hospital) the inquest must be conducted by Judicial Magistrate.
- The best type of inquest is Medical examiner system.
- Juvenile court usually presided by first class magistrate.
- Non-compliance of court summon from a criminal court may be under section 174 IPC.
- For attending summon in criminal cases a witness may claim Conveyance charges & daily allowance.
- Dying declaration is best given to a Magistrate.
- In dying deposition Cross-examination is permitted.
- If a person survives after giving dying declaration, declaration is admitted but has corroborative value.
- The most important type of evidence in a court of law is Oral.
- Minimum duration of imprisonment to accused of custodial rape is: 10 years under section 376.
- A hostile witness is one who Gives false evidence or conceals part of the truth.
- Perjury is Willful utterance of falsehood under oath.
- Punishment of perjury is given in section 193 IPC.
- Age limit of taking oath in court before giving evidence is 12 years (the oaths act 1969)
- In case of a prosecution witness, examination-in-chief is conducted by Public prosecutor.
- Leading questions are permitted in Cross-examination.
- In case of a defense witness cross examination will be done by public prosecutor.
- If a witness is declared hostile, leading questions are allowed also in: Examination—in-chief.
- There is no Time limit for cross-examination.
- Leading questions are permitted only in cross examination.
- Re-examinations of witness is conducted by Public prosecutor.
- Medicolegal autopsy requires the permission of magistrate & police both.
- In India inquest is not carried out by a doctor
- Juvenile court is presided over by 1st class women magistrate.

Euthanasia

- It is a mercy killing means voluntary putting to death of a patient who is suffering from an incurable, terminal and extremely painful condition.

Exhumation

- Digging out already buried body

Courts and its power

| Court | Death | Imprisonment | Fine upto |
|---|---|----------------------|------------------|
| First class Magistrate | - | 1 st year | 5000 Rs |
| Second class Magistrate | - | 3 years | 10000 Rs |
| Chief judicial Magistrate (Chief metropolitan magistrate in metropolitan cities) | - | 7 years | Unlimited |
| Assistant session court | - | 10 years | Unlimited |
| Session court | Any sentence authored by law (Death sentence will be under trail by high court) | Life imprisonment | Unlimited |
| District High court | Any sentence | Life imprisonment | Unlimited |
| Supreme court | Any sentence | Life imprisonment | Unlimited |

Punishment Given under CrPC (Section 53 IPC)

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|----|---|
| 1. | Death Sentence (Hang Till Death) |
| 2. | Life Imprisonment (Upto 20 Years) a. Normal Imprisonment b. Rigorous c. Solitary Confinement |
| 3. | Fine |
| 4. | Sending the juvenile to reformaty for treatment & training |

- While giving evidence in court the Judge can question in any stage.
- Juvenile any child (whether boy or a girl) below the age of eighteen years
- A juvenile may spend a maximum of three years in institutional care (special home) but cannot be sent to an adult jail.
- However, any 16-18 old who commits a "Heinous Offence" may be tried as an adults.
- Heinous offences" includes offences for which minimum punishment is seven years or more.
- Juvenile Justice Boards will discharge its functions relating to juvenile Board consists of:-
 - i. Metropolitan Magistrate or a Judicial Magistrate of First Class
 - ii. Two social workers, of whom at least one shall be a woman.

Inquest (Judicial Enquiry)

It is a legal / Judicial enquiry to ascertain cause of death.

- 1. Police Inquest done in case of**
 - Death by suicide
 - Death by killing another person or any animal

- Death by accident

2. Magistrate inquest (It is of 2 types)

1. Judicial magistrate
2. Executive magistrate
 - It can be done in following condition
 - Death of a convict in prison
 - Death of a person in police custody or during interrogation
 - Death in case of police firing
 - Dowry death of women within 7 years of marriage
 - Exhumation death
 - Death in a psychiatric hospital

3. Coroner inquest

- It is done in Mumbai
- It is done by 1st class judicial magistrate

4. Medical examiner system

- Done by medically qualified person, it means he will conduct the post mortem as well as inquest, best system followed in USA.