

Q Differences in manner of investigation <sup>& trial</sup> between cognizable and non-cognizable cases:-

Ans-

a. In cognizable cases, an FIR registered with the police,

Cognizable

Non-cognizable

1. FIR is registered with the police

Criminal complaint should be filed by the complainant in the Court.

2. The police initiates the investigation on its own and does not require the permission of Court.

No investigation can be carried out by police without the order of court.

3. The State investigates the case from the inception and fights against the accused

3. State is the prosecutor and only responsibility of complainant/victim/informant is a prosecution witness.

He may participate in the legal proceedings only for a limited extent

The complainant seeks to prosecute the witness.



4. The burden of proving the allegations against the accused lies upon the prosecution i.e. State. The burden of proving the allegations is upon the ~~complainant~~ complainant.
5. No procedure of preliminary evidence in court. There is a procedure of preliminary evidence in court.
6. Differentiate between cognizable and non-cognizable.

### Cognizable

Police is authorized to take cognizance of the crime on its own.

Without warrant

Not required to begin investigation

Hinous crime / serious crime

Petition is through FIR and complaint

Eg: Murder, Theft, Kidnapping, Harassment, Sending obscene information, document tampering.

### Non-cognizable

The police has no authority to apprehend a person for crime on its own.

Requires warrant.

Prior approval of court is required to begin investigation

Less serious / hinous

Petition is through FIR only.

Eg: Breach of confidentiality or privacy, Publishing false digital signatures, Publishing Digital Signature certificate for frauds.