

Question 1. Define the term “Criminal Justice System”.

Solution:

Criminal justice system is the ‘body of law’ or ‘Court’ regulating the inquiry into whether a person has violated criminal law or not.

Question 2. Write a brief note on the criminal procedure in the Criminal Justice System in India.

Solution:

A crime is first reported by the victim to the Police and the police file a FIR or First Information Report. Then the police begin the investigation and arrest the suspected person or persons. The police then file a charge sheet in the Magistrate’s Court. The trial begins in court. The Public Prosecutor represents the victim and the accused can defend themselves with the help of a lawyer. Once the trial is over the accused is either convicted or acquitted. If convicted, the accused can appeal to the higher court.

Question 3. What is the role of the police in the Criminal Justice System?

Solution:

In the Criminal Justice System the police play the role of investigating the case and arresting the accused.

Question 4. What are the guidelines that the police have to follow during investigation?

Solution:

Police investigations have to be conducted in accordance with law and with full respect for human rights. The police are not allowed to torture or beat or shoot anyone during investigation. They cannot inflict any form of punishment on a person even for petty offences.

Question 5. What are D.K. Basu Guidelines?

Solution:

D.K. Basu Guidelines are as follows

The police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations.

A memo of arrest should be prepared at the time of arrest and should include the time and date of arrest. It should also be attested by at least one witness who could include a family member of the person arrested. The arrest memo should be counter-signed by the person arrested.

The person arrested, detained or being interrogated has a right to inform a relative, friend or well wisher.

When a friend or relative lives outside the district, the time, place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest.

Question 6. What is a FIR?

Solution:

FIR stands for First Information Report. The police have to file a FIR whenever a person gives information about a known offence. This information can be given to the police either orally or in writing. A FIR is necessary for the police to begin their investigations into a crime.

The FIR should mention the date, time and place of the offence, details about the offence, including a description of the events. The FIR should also state the name and address of the complainant. There is a prescribed form in which the police register an FIR and it is signed by the complainant. The complainant also has a legal right to get a free copy of the FIR from the police.

Question 7. Who is a Prosecutor?

Solution:

‘The Prosecutor’ is a lawyer representing the state or the people of the state in a criminal trial.

Question 8. Why is the Prosecutor called a Public Prosecutor?

Solution:

The Prosecutor who represents the State is called a Public Prosecutor as a criminal offence is regarded as a public wrong, which has been

committed not only against the victim, but also against the society as a whole.

Question 9. What is the role of the judge in the Criminal Justice System?

Solution:

The judge conducts the trial impartially and in an open court. The judge hears all the witnesses and any other evidence presented by the prosecution and the defence. The judge decides whether the accused person is guilty or innocent on the basis of the evidence presented and in accordance with the law. If the accused is convicted, then the judge pronounces the sentence. He may send the person to jail or impose a fine or both, depending on what the law prescribes.

Question 10. What are the procedures that have to be followed if the criminal trial has to be a Fair Trial?

Solution:

A copy of the charge sheet and all other evidence has to be given to the accused. The trial has to be held in an open court, in public view, and should be in the presence of the accused. The accused has to be given a lawyer to defend himself in case he cannot afford to employ a lawyer. The Prosecution has to prove beyond doubt the guilt of the accused and the Judge has to pass the judgment only on the basis of the evidence before the court.

MCQS

1. When someone violate the law, we immediately inform :-

- a. Neighbours
- b. Relative
- c. Judge
- d. Police

Ans: (d)

2. Police generally do :-

- a. File report
- b. Arrest a person
- c. Both (a) & (b)
- d. None of these

Ans: (c)

3. An accused person is decided by :-

- a. Police
- b. Court
- c. Person himself
- d. All of these

Ans: (b)

4. Every person has a fundamental Right to be defended by a lawyer under the act _____.

- a. Act 42
- b. Act 67
- c. Act 45
- d. Act 22

Ans: (d)

5. Constitution places a duty on the state to provide a lawyer to any citizen who is unable to engage one due to poverty or other disability.

- a. Act 39
- b. Act 22
- c. Act 43

d. Act 67

Ans: (a)

6. Key players of criminal justice system are :-

a. Police & public prosecutor

b. Defence lawyer & Judge

c. Both (a) & (b)

d. None of these

Ans: (c)

7. Police file a charge sheet in the court & _____

a. If police arrest a person

b. If a person is suspected for anything

c. If a person commit a crime

d. If investigation proved the person is accused.

Ans: (d)

8. Who decided the guilty or innocence of victim?

a. Judge

b. Police

c. Neighbor

d. None of these

Ans: (a)

9. Right not to be ill treated or tortured during arrest or in custody written under :-

a. Act 22

b. Act 52

c. Act 43

d. Act 67

Ans: (a)

10. Act 22 contains :-

a. police has the Right to arrest any person without compliant

b. A boy under 15 years of age & women can't be used as evidence against the accused

c. Both (a) & (b)

d. None of these

Ans: (b)

11. D. K. Basu guideline include :-

- a. The police official should wear, accurate & visible name tags with their identifications
- b. A memo of arrest should be prepared at the time of arrest
- c. Both (a) & (b)
- d. None of these

Ans: (c)

12. FIR means :-

- a. Formal Identification report
- b. first information report
- c. First Indian region
- d. All of these

Ans: (b)

13. Public prosecutor is :-

- a. One who represents the interests of state
- b. One who investigate crime
- c. Both (a) & (b)
- d. None of these

Ans: (a)

14. What is the role of Judge?

- a. Decide whether accused person is guilty or innocent
- b. May send the person to jail
- c. May impose a fine or both
- d. All of these

Ans: (d)

15. What is a fair trial?

- a. The trial in the absence of accused
- b. The trial in the presence of accused
- c. Judge should not be there for judgment
- d. All of these

Ans: (b)

16. What is the best way to chose judges?

- a. Nominating by legislature
- b. by Executive
- c. By political parties

d. By people

Ans: (d)

17. The chief justice get retired at the age of :-

a. 56 years

b. 40 years

c. 58 years

d. 75 years

Ans: (d)

18. 'Rule of law' was defined by :-

a. Dyasi

b. Glade stone

c. Laski

d. Glade stone

Ans: (a)

19. The Indian judiciary consists of a _____ for entire nation.

a. High Court

b. Supreme Court

c. District Court

d. All of these

Ans: (b)

20. Marshal judge is related with :-

a. Constitutional law

b. international law

c. Public law

d. Rule of law

Ans: (a)

21. When one see violating the law, one immediately think of informing the _____.

a. Police

b. Judge

c. Lawyer

d. None of these

Ans: (a)

22. According to _____ every individual charged of a crime has to be given fair trial.

- a. law
- b. Constitution
- c. Police
- d. Judge

Ans: (b)

23. The judges of Supreme court are appointed by :-

- a. prime minister
- b. Vice president
- c. Ministers of council
- d. President

Ans: (d)

24. Judiciary of India is :-

- a. Less powerful than that of USA
- b. More powerful than that of USA
- c. Equal powerful than that of USA
- d. None of these

Ans: (a)

25. Which is the highest court of appeal in civil & criminal cases?

- a. District court
- b. Supreme Court
- c. High court
- d. All of these

Ans: (b)

26. Independence of judiciary means :-

- a. It is not under control of legislature or the executive
- b. It is under control of president
- c. Both (a) & (b)
- d. None of these

Ans: (a)

27. The judges of Supreme courts and High courts are appointed by

- a. M. P.
- b. Prime minister
- c. M. L. A.
- d. President

Ans: (d)

28. How many judges are removed by an 'Impeachment motion'?

- a. Two
- b. Three
- c. Zero
- d. Seven

Ans: (c)

29. The power & independence of the Indian Judiciary allow to act as the guardian of the :-

- a. Fundamental duties
- b. Directive principles of state policy
- c. Moral duty
- d. Fundamental Rights

Ans: (d)

30. What is Public Interest Litigation?

- a. Public is important than law
- b. Nominate the leaders
- c. Any one can approach to courts if public interest is hurt by the actions of government
- d. All of these

Ans: (c)

31. Define the term "SI".

- a. International System
- b. System in
- c. Sign in
- d. Sub - Inspector

Ans: (d)

32. Which one of the following is an important function of police?

- a. To arrest the person on complaint
- b. To arrest the neighbour of thief
- c. To punish the accused
- d. To send him to jail

Ans: (a)

33. An investigation include :-

- a. Statement of Witness
- b. statement of bill

- c. Statement of Judge
- d. All of these

Ans: (a)

34. The guidelines for the police investigation are laid down by :-

- a. Supreme Court
- b. Judge
- b. Constitution
- d. None of these

Ans: (a)

35. Arrested person should be protested before a magistrate with in 24 hours of arrest comes under

- a. Act 42
- b. Act 51
- c. Act 56
- d. Act 22

Ans: (d)

36. Define the first step of investigation into crime.

- a. charge Sheet
- b. FIR
- c. Investigation
- d. Punishment

Ans: (b)

37. FIR usually mentioned :-

- a. Date
- b. Time & place
- c. Detail the basic facts & descriptions of event
- d. All of these

Ans: (d)

38. FIR report is signed by :-

- a. Judge
- b. Complainant
- c. Police
- d. Lawyer

Ans: (b)

39. All of these criminal offences are regarded as _____.

- a. Public Right
- b. Livelihood Right
- c. Personal Right
- d. Public wrong

Ans: (d)

40. The prosecutor must conduct the prosecution on the behalf of the _____.

- a. State
- b. Centre
- c. state & centre
- d. All of these

Ans: (a)

41. If the accused is convicted, then the judge pronounced the _____.

- a. Reward
- b. Award
- c. prosecution
- d. Sentence

Ans: (d)

42. "Right of law" includes :-

- a. every person has right to live.
- b. All of these person's life can be taken away only by following a reasonable & just procedure.
- c. Both (a) & (b)
- d. None of these

Ans: (c)

43. Public prosecutor function are :-

- a. Cross examine the Victim
- b. Argue the case of Victim
- c. Both (a) & (b)
- d. None of these

Ans: (d)

44. Which one of the following is a function of judge?

- a. Investigation

- b. Arrest the accused
- c. Cross examination
- d. Pass the sentence

Ans: (b)

45. Which one of the following is a function of police?

- a. Conduct a fair trial
- b. meet the accused person
- c. Arrest the person
- d. All of these

Ans: (c)

46. Which one of the following is a function of Defence lawyer?

- a. Investigation
- b. Arrest the accused
- c. Cross examination
- d. Pass the sentence

Ans: (c)

47. Define the term 'Impartial'

- a. Pass a judgment
- b. the act of being fair & not favoring one side over other
- c. Fair trial
- d. None of these

Ans: (b)

48. Define the term "Offence"

- a. Any act that the law defines to be a crime
- b. Fair trial
- c. Passing a judgment
- d. Accused will put in jail

Ans: (a)

49. All persons are equal before _____.

- a. Judge
- b. Minister
- c. police
- d. Law

Ans: (d)

50. Detention means :-

- a. Praise given by the police
- b. act of being kept in illegal custody by the police
- c. Both (a) & (b)
- d. None of these

Ans: (b)

Very Short Answers Type

Question 1.

Who has the legal right to get a free copy of the FIR from the police?

Answer:

The complainant also has a legal right to get a free copy of the FIR from the police.

Question 2.

When does the role of the prosecutor begin?

Answer:

The role of the prosecutor begins once the police has conducted the investigation and filed the charge sheet in the court.

Question 3.

When does the police begin their investigations into a crime?

Answer:

It is with the registration of an FIR that the police can begin their investigation into a crime.

Question 4.

What has been mentioned in the D.K. Basu guidelines about the friend and relative of the person arrested, detained or being interrogated?

Answer:

The person arrested, detained or being interrogated has a right to inform a relative, friend or well-wisher.

Question 5.

Mention the four key players in the criminal justice system?

Answer:

The four key players in the criminal justice system are the police, the Public Prosecutor, the defence lawyer and the judge.

Question 6.

Mention any one of the Fundamental Rights that Article 22 of the Constitution guarantees to every arrested person.

Answer:

The Right not to be ill treated or tortured during arrest or in custody.

Question 7.

What does the rule of law say?

Answer:

The rule of law says that every one is equal before the law. The words will not make much sense if every citizen were not guaranteed a fair trial by the Constitution.

Question 8.

What was the final verdict in Shanti's case?

Answer:

In Shanti's case, justice was finally done to her because she was given a fair trial.

Question 9.

By which part of justice system it is decided whether the accused person is guilty or not? Answer:

It is court of law that decides whether the accused person is guilty or not.

Question 10.

How many key players are in the criminal justice system?

Answer:

There are 4 key players.

Question 11.

What are 4 key players in the criminal justice system?

Answer:

The 4 key players are:

1. The police
2. The public prosecutor
3. The defence lawyer
4. The judge

Question 12.

What is one of the important function of police?

Answer:

One important function of the police is to investigate any complaint about the commission of a crime.

Question 13.

Mention any one Fundamental Right guaranteed in Article 22 and criminal law to every arrested person.

Answer:

The Right to be presented before a magistrate within 24 hrs of custody.

Question 14.

Name the guidelines laid down by the Supreme Court of India which had to be followed while the process of arrest, detention interrogation of any person?

Answer:

D.K. Basu guidelines.

Question 15.

On whose behalf does the prosecution must conduct the prosecution?

Answer:

On behalf of the state.

Question 16.

Where does the judge conduct the trial?

Answer:

The judge conducts the trial impartially and in an open court.

Question 17.

What does Accused mean?

Answer:

This refers to the person who is tried by a court for a crime.

Question 18.

Define the term 'offence'.

Answer:

It means that any act which is defined as crime by the law.

Short Answers Type

Question 1.

What was the final judgment of the judge in Shanti's case?

Answer:

In Shanti's case, the judge hears the testimony of all the witnesses and acquitted Shanti of the charges of theft.

The judge also ordered the police to hand over the ₹ 10000 that the police had seized. In her written judgment, the judge had made it a point to highlight S.I. Rao's role in conducting a shoddy investigation that made Shanti spend time in jail.

Question 2.

What is there in the Fundamental Rights guaranteed in Article 22 of the Constitution.

Answer:

Article 22 of the Constitution and criminal law guarantee to every arrested person the following Fundamental Rights:

1. The Right to be informed at the time of arrest of the offence for which the person is being arrested.
2. The Right to be presented before a magistrate within 24 hrs of arrest.
3. The Right not to be ill-treated or tortured during arrest or in custody.
4. Confessions made in police custody cannot be used as evidence against the accused.
5. A boy under 15 yrs of age and women cannot be called to the police station only for questioning.

Question 3.

What is the role of the judge in judiciary system?

Answer:

The judge is like an umpire in a game and conducts the trial impartially and in an open court. The judge hears all the witnesses and any other evidence presented by the prosecution and the defence. The judge decides whether the accused person is guilty or innocent on the basis of the evidence presented and in accordance with the law.

If the accused is convicted, then the judge pronounces the sentence. The judge may send the person to jail or impose a fine or both, depending on what the law prescribes.

Question 4.

Who is the Public Prosecutor and what is the role of the public prosecutor?

Answer:

In the court, it is the Public Prosecutor who represents the interests of the State. The role of the Prosecutor begins once the police has conducted the investigation and filed the chargesheet in the court. He/she has no role to play in the investigation.

The Prosecutor must conduct the prosecution on behalf of the State. As an officer of the court, it is his/her duty to act impartially and present the

full and material facts, witnesses and evidence before the court to enable the court to decide the case.

Question 5.

What is FIR? Describe the process of an FIR?

Answer:

FIR is First Information Report. It is with the registration of an FIR that the police can begin their investigation into a crime. The law states that it is compulsory for an officer in charge of a police station to register an FIR whenever a person gives information about an cognizable offence. This information can be given to the police either orally or in writing.

The FIR usually mentions the date, time and place of the offence, details the basic facts of the offence, including a description of the events. If known, the identity of the accused person and witnesses is also mentioned. The FIR also states the name and address of the complainant.

Long Answers Type

Question 1.

What is the D.K. Basu Guidelines and what it includes?

Answer:

The Supreme court of India has laid down specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are known as the D.K. Basu Guidelines. These include:

1. The police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations.
2. A memo of arrest should be prepared at the time of arrest and should include the time and date of arrest. It should also be attested by atleast one witness who could include a family member of the person arrested.

3. The arrest memo should be counter-signed by the person arrested.
4. The person arrested, detained or being interrogated has a right to inform a relative, friend or well-wisher.
5. When a friend or relative lives outside the district, the time, place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest.

Question 2.

What is the role of the police in investigating a crime? Explain briefly.

Answer:

One important function of the police is to investigate any complaint about the commission of a crime. An investigation includes recording statements of witnesses and collecting different kinds of evidence. On the basis of the investigation, the police are required to form an opinion.

If the police think that the evidence points to the guilt of the accused person, then they file a charge sheet in the court. It is not the job of the police to decide whether a person is guilty or innocent, that is for the judge to decide.

The police investigations should always be conducted in accordance with law and with full respect for human rights. The Supreme Court has laid down guidelines that the police must follow at the time of arrest, detention and interrogation.

The police are not allowed to torture or beat or shoot anyone during investigation. The police cannot inflict any form of punishment on a person even for petty offences.