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AMBEDKAR LAW UNIVERSITY, JAIPUR**
डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

B.A.LL.B.

FIVE YEARS INTEGRATED COURSE

(SEMESTER SCHEME)



REVISED NEW CRIMINAL LAW SYLLABUS

Applicable to all Batches of 2020-21,

2021-22, 2022-23 and 2023-24

(To be taught in 7th, 8th & 9th Semesters)

B.A.LL.B. VII Semester

Paper No: 7.5

(Paper code: 1095)

The Bhartiya Nyaya Sanhita, 2023

SCHEME OF PAPER:

MAX. MARKS: 100 MIN.

PASS MARKS: 36

This paper shall consist of following two parts:

(a) Written paper — 70 marks

(b) Internal examination — 30 marks (15+10+5)

Mid Semester Test: 15 marks Project/Assignment:10 marks Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

(1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.

(2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.

(3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

The Bhartiya Nyaya Sanhita, 2023

INTRODUCTION: Crime and punishment have always been the most important aspect of the rule of law. A proper understanding of crimes, methods of controlling them, and the reason for their existence is extremely important to build a just and humane society. The course envelops an in-depth knowledge of the structure of the Bhartiya Nyaya Sanhita, 2023 which includes contents on offences, criminal liability, inchoate crimes, offences against the human body, offences against property, and offences against women and children, etc. The course deliberates diverse concepts of the Bhartiya Nyaya Sanhita, 2023 to its crux.

COURSE OBJECTIVES:

1. This course is intended to give an overview of all the offences and punishments prescribed under the Bhartiya Nyaya Sanhita, 2023.
2. To analyze the concept of crime and criminal responsibility and to explain and illustrate various types of crimes in the society
3. To introduce the substantive law of crimes, including essential elements of crimes, responsibility, and defences.
4. To comprehend the judicial perspectives and interpretation of the law of crimes.
5. To explore new changes made in the Bhartiya Nyaya Sanhita, 2023 and articulate informed opinion over important issues in the law of crimes.

6. To analyse the applicability of recent amendments in criminal law.

LEARNING OUTCOMES:

After completion of the course, the students will be able to:

1. Understand the scope of the law of crimes considering the Bhartiya Nyaya Sanhita, 2023.
2. Summarize concepts of crime and distinguish between crime and other wrongs and classify the stages of crime and types of punishments.
3. Understand the legal concepts involved in dispensing criminal justice successfully and efficiently.
4. Demonstrate a high level of understanding both in theory and practice of the Fundamental principles involved in the administration of criminal justice.
5. To analyze and interpret various judicial decisions of the Supreme Court and High Courts.

UNIT -I Law of Crimes: Introduction

- 1.1 Origin and Definition of Crime and Principles of Criminal Liability
- 1.2 Essentials of Crime (*Mens Rea and Actus Reus*) and Stages of Crime Motive, Intention, Attempt (Section 62) and Preparation
- 1.3 Introduction, Nature and Scope of The Bhartiya Nyaya Sanhita, 2023, Definitions and General Explanations (Section 02 & 03)
- 1.4 Common Intention Section 3 (5) and Common Object (with reference to Unlawful Assembly, Riot and Affray) (Section 189); Mob-lynching
- 1.5 Punishments including Community Service (Section 4)

UNIT-II General Exceptions, Inchoate Crimes and Offences Against Women

- 2.1 General Exceptions and Right of Private Defence (Section 14-44)
- 2.2 Abetment and Criminal Conspiracy (Section 45- 61)
- 2.3 Sexual Offences, Criminal force, and Assault against Women (Section 63-79)
- 2.4 Offences Related to Marriage (Section 80-87)
- 2.5 Offences related to Causing Miscarriage (Section 88-92); Key features of The Medical Termination of Pregnancy (Amendment) Act, 2021; Offences, Against Child (Section 93-99)

Unit III Offences Against Human Body and Offences Against State

- 3.1 Offences affecting Life; Homicide: Culpable Homicide & Murder; Death Caused by Negligence (Section 100-110);
- 3.2 Hurt, Grievous Hurt and Acid Attack (Section 114-120, 124);
- 3.3 Wrongful Restraint, Wrongful Confinement Criminal Force and Assault (Section 126-131)
- 3.3 Kidnapping and Abduction (Section 137-143)
- 3.4 Organized Crimes and Offences of Terrorist acts (Section 111-113);

3.5 Offences against State (Section 147- 158)

UNIT-IV Offences Against Public Justice

4.1 Offences Related to Election (Sections 169-177)

4.2 Offences by or Relating to Public Servant (Section 198-205)

4.3 Offences Relating to Coin, Currency, Notes, Bank Notes and Government Stamps (Section 178-182)

4.3 Giving False Evidence (Section 227-229);

4.4 Offences Affecting public Health, Safety, Convenience and Morals (Section 270-281)

4.5 Sale of Obscene books and objects (Section 294-296); Keeping Lottery Office (Section 297)

UNIT-IV Offences Against Property and Reputation

5.1 Theft, Extortion, Robbery & Dacoity (Sections 303-313);

5.2 Criminal Misappropriation of Property and Criminal Breach of Trust (Section 314-316); Receiving Stolen Property, Cheating and Fraudulent Deeds (Section 317-323)

5.3 Mischief (Sections 324-326) and Criminal Trespass (Sections 329-334);

5.4 Offences Relating to Documents and Property Marks (Sections 336, 340, 344, 345-350; Criminal Intimidation (Sections 351-355)

5.5 Defamation (Sections 356);

LEADING CASES:

- 1) Arnesh Kumar v. State of Bihar & Anr. AIR 2014 SC 2756
- 2) Barendra Kumar Ghosh v. King Emperor, AIR 1925 PC 1
- 3) Bachan Singh v. State of Punjab AIR 1980 SC 898
- 4) Basdev v. State of PEPSU, AIR 1956 SC 488
- 5) I.C.I.C.I Bank Ltd. v. Prakash Kaur AIR 2007 SC 1349
- 6) Independent Thought v. Union of India AIR 2017 SC 4904
- 7) Joesph Shine v. Union of India AIR 2018 SC 4898
- 8) K.M. Nanavati v. State Maharashtra AIR 1962 SC 605
- 9) Laxmi v. Union of India & Ors. (2015) 2014 SCC 2 427
- 10) Mahub Shah v. Emperor AIR 1945 PC 115
- 11) Navtej Singh Johar v. Union of India AIR 2018 SC 4321
- 12) R.V. Govinda (1876) ILR I Bom. 342.
- 13) R v. McNaughten (1843) 8 E.R. 718
- 14) Reg. v. Govinda (1876) I Bom. 342
- 15) Shreya Singhal v. Union of India, 2015 Indlaw SC 211
- 16) State (N.C.T. of Delhi) v. Navjot Sandhu 2005 Cr. L.J. 2950 SC
- 17) Virsa Singh v. State of Punjab AIR 1958 SC 465

REFERENCE BOOKS:

- i) Principles of Criminal Law by R.C. Nigam, Law of Crimes in India, Vol. I, Asia Publishing House, New York, 1965.
- ii) S.K. Savaria, R.A. Nelson's Indian Penal Code (4 Volumes), LexisNexis Delhi, 2019

- iii) Stephen, A History of Criminal Law of England, Vol. KKK (Last Chapter on Indian Penal Code), London Macmillan, 1883.
- iv) Smith and Hogan, Criminal Law, Oxford University Press, 2018
- v) Hari Singh Gaur, Penal Law of India (4 volumes), 11th Edition, Law Publishers India Pvt. Ltd.2018.
- vi) J.W. Cecil Turner, Kenny's on Outlines of Criminal Law, 19th Ed. Cambridge University Press, 1966.
- vii) K.D. Gaur, Commentary on Indian Penal Code 3rd ED 2019, Central Law Publication

B.A.LL.B. VIII Semester

Paper No. 8.4

(Paper Code: 1104)

The Bhartiya Nagrik Suraksha Sanhita 2023

SCHEME OF PAPER:

MAX. MARKS: 100 MIN.

PASS MARKS: 36

This paper shall consist of following two parts:

- (a) Written paper — 70 marks
- (b) Internal examination — 30 marks (15+10+5)

Mid Semester Test: 15 marks Project/Assignment:10 marks Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable

The Bhartiya Nagrik Suraksha Sanhita 2023

INTRODUCTION: The new Bhartiya Nagarik Suraksha Sanhita, 2023 is designed to look after the process of the administration and enforcement of the criminal laws of the country. Substantive rights would have no meaning if proper recourses are not available in case of their infringements. It provides not only the machinery for the detection of crime but also an enforcement mechanism for its implementation. The main object of the course is to familiarize students with the working of the criminal justice delivery system. This course is devised to deal with the basic procedural aspects with regard to criminal law in action. Indeed, understanding of the same is a must for any aspiring litigation lawyer and so it is aimed at satisfying this requirement. A thorough knowledge of The Bhartiya Nagarik Suraksha Sanhita, 2023 is indispensable for effective implementation of criminal law.

Course Objectives:

1. To understand the nature and scope of the code and develop necessary understanding of procedural knowledge of court proceedings from the stage of investigation till conviction and the process for making an appeal.
2. To develop a necessary skill set to assist the court and law enforcement agencies at the time of trial and investigation.
3. To explain the organization, powers and jurisdiction of criminal courts in India, the role and powers of police and other authorities in the investigation and trial process.
4. To provide an opportunity for a fair trial to both the accused person according to the principle of natural justice and the victim without curtailing anyone's rights.
5. To ensure attendance of any person concerned with a case with the various available measures like warrant, summons, attachment of property, proclamation, etc. and to prevent delaying the investigation and trial process.

LEARNING OUTCOMES:

After completion of the course, the students will be able to:

1. Identify the object and applicability of criminal procedure code and information related to investigation in cognizable and non-cognizable offences.
2. Utilize their knowledge for informing police about cognizable and non-cognizable offences, arrest, warrant and examination of witness.
3. Classify the rights of accused, principle of fair trial, procedure before sessions court, magistrate courts and various legislations etc.
4. Distinguish inherent powers of high court in appeal, reference and revision, compensation, and time limitation for cognizance of offence.
5. Identify the stages in investigation and procedure of trial in criminal cases and explain the powers, functions, and limitations of the police investigation.
6. Understand the procedural nuances of criminal court inquiry and trial and apply their skill of knowledge to contribute in administration of criminal justice.

UNIT- I Introduction: The Bharatiya Nagarik Suraksha Sanhita, 2023

- 1.1 History, Enactment, and Implementation of the Sanhita, 2023; Objects, Extent & Commencement and Definitions under the Sanhita, 2023 (Section 01 – 03);
- 1.2 Constitution of Criminal Courts and Offices (Sections 06-20); Power of Courts (Sections 21-29)
- 1.3 Organization of Police, Prosecutor, Defense Counsel and Prison Authorities and their Duties, Powers and Functions of Police (Section 30-34)
- 1.4 Distinction between: Cognizable and Non-Cognizable Offence; Warrant and Summons; Bailable and Non-bailable; Compoundable and Non-compoundable; Arrest with and without warrant
- 1.5 Rights of the Accused Person and the Concept of Fair Trial

UNIT-II Pre-trial Procedure (Investigation, Arrest and Bail)

- 2.1 Procedure for Investigation, Inquiry and Inquest (Sections 173-184, 187, 190, 191, 193, 197, 198, 202)
- 2.2 Cognizance and Committal Procedure (210-232)
- 2.3 Arrest and Detention; Custody- Police and Judicial Custody (Section 35-62)
- 2.4 Bail: Types of Bail, Default Bail, Anticipatory Bail, Interim Bail, Cancellation of Bail and Bail Bond (section 478-496)
- 2.5 Processes to Compel Appearance of Person, Production of Property/Things: Confiscation & Attachment of Property/ Proceeds of Crime (Section 63- 110)

UNIT-III Trial Procedure (Framing of Charges and Trial before Court of Session)

- 3.1 Maintenance of Public Order and Tranquility: Unlawful Assemblies and Public Nuisances (Sections 148-152,163)
- 3.2 Preventive Action of the Police (Section 168-172)
- 3.3 Framing of Charge: Addition and Alteration of Charges, Joinder of Charge/Trial, Withdrawal of Prosecution (Sections 227-259)
- 3.4 Jurisdiction of the criminal courts in Inquiries and Trails (Sections 197, 198, 202)
- 3.5 Commencement of proceedings before Magistrates and Trial before Court of Session (Sections 227, 228,230, 248-259)

UNIT-IV Summary Trials, Judgment and Special Provisions for Maintenance

- 4.1 Trial of Warrant Cases and Trial of Summons Cases (Section 261-282)
- 4.2 Summary Trials (Sections 283-288); Plea Bargaining (Sections 289-300)
- 4.3 General Provisions as to Inquiries and Trials (Sections 337, 340, 341, 342, 343, 344, 345, 348, 349, 359, 360)
- 4.4 Judgement, Victim compensation and Witness Protection (Sections 392-406); Submission of Death Sentences for Confirmation (Sections 407-412);
- 4.5 Special Provisions of Maintenance of Women, Children and Parents (Section 144-147)

UNIT-V Appeal, Revision, Reference, and Miscellaneous Provisions

- 5.1 Appeals (Sections 413-424, 427-430, 434, 345);
- 5.2 Reference and Revision (Sections 436-445; Transfer of Criminal Cases (Sections 446-452);

5.3 Remission and Computation of Sentences (Sections 461-462); General Provisions regarding Execution, Suspension, Remission and Commutation of Sentences (Sections 465, 466, 467, 468, 471-477)

5.4 Limitation for taking cognizance of certain offences (Sections 513-519)

5.5 Trial Before High Court, Power and Duties of High Court, Repeal and Savings (Section 520-531)

LEADING CASES:

- 1) Arnesh Kumar v. State of Bihar & Anr. AIR 2014 SC 2756
- 2) D.K. Basu v. State of West Bengal (1997) 1 SCC 416
- 3) Danial Latifi & Anr. V. Union of India AIR 2001 SC 3958
- 4) Kashmira Singh v State of Punjab, (1977) 4 SCC 291
- 5) Lalita Kumari v. Govt. of U.P. (2014) 2 SCC 1
- 6) National Investigation Agency v. Zahoor Ahmad Shah Watali AIR 2019 SC 1734.
- 7) Pritam Singh v. State of Punjab, AIR 1956 SC 415
- 8) Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589
- 9) Sakiri Vasu v. State of U.P. and Others (2008) 2 SCC 409
- 10) Satwant Singh v. State of Punjab, AIR 1956 SC 286
- 11) State of U.P. v. Singhara Singh, AIR 1964 SC 359
- 12) Tahsildar Singh v. State of U.P., 1959 AIR SC 1012

REFERENCE BOOKS:

- i. D.D. Basu, Criminal Procedure Code 1973, Vol. I & II, LexisNexis, 2017
- ii. Sarkar on Criminal Procedure Code, Vol. I & II., LexisNexis 2013.
- iii. Sir John Woodroffe, Commentaries on Code of Criminal Procedure (in 2 Vols.) Ed. 3rd edition, Law Publishers India Pvt. Ltd. Reprint 2018.
- iv. Sohoni's Code of Criminal Procedure, 1973(Set of 5 Volumes) 22nd Ed, Lexis Nexis, 2018.

B.A. LL.B. IX Semester

PAPER No. : 9.1

(Paper Code: 1111)

Bhartiya Sakshya Adhiniyam, 2023

SCHEME OF PAPER:

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PASS MARKS: 36

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Bhartiya Sakshya Adhiniyam, 2023

INTRODUCTION: The law of evidence doesn't come under the purview of substantive or procedural law but under 'adjective law' which defines the pleading and procedure via which substantive laws are brought into practice. It is the machinery by which substantive laws are set and kept in motion. So, it can be said that the Law of Evidence deals with rights as well as, procedures. It imparts credulity to the adjudicatory process by indicating the degree of veracity to be attributed to the facts before the form. This paper enables the students to appreciate the concept and principles underlying the law of evidence and to identify the recognized forms of evidence and its sources.

Bhartiya Sakshya Adhiniyam, 2023 is an important new legislation which governs the rules of evidence in India. It lays down the rules for the production and admissibility of evidence in court proceedings, defines what constitutes evidence, and sets out the criteria for weighing and evaluating evidence.

COURSE OBJECTIVES:

- (a) This course is intended to give an overview of Bhartiya Sakshya Adhiniyam, 2023
- (b) To analyze the fundamental principles of evidence law and their application in civil and criminal proceedings.
- (c) To comprehend the connection of the course with substantive and other procedural laws;
- (d) To analyse the applicability of recent amendments in evidence law
- (e) To Analyze and define the concept and general nature of evidence and illustrate the different types of evidence and court procedures relating to evidence.

LEARNING OUTCOMES:

After completion of the course the students will be able to:

1. Understand the relevance and importance of Law of Evidence in the adversarial process.
2. Understand the rules of evidence and illustrate the different types of evidence and court procedures relating to evidence.
3. Evaluate the rules relating to dying declaration and admissibility of dying declaration.

4. Analyze the rules relating to relevance of evidence and admissibility of evidence before the court.
5. Critically analyze, draft and execute a witness examination and to demonstrate the skill in appreciation and analyzing the evidence.

UNIT-I INTRODUCTION TO LAW OF EVIDENCE AND RELEVANCY OF FACTS

- 1.1 History, Nature, Scope and Applicability of Bhartiya Sakshya Adhiniyam, 2023
- 1.2 Definitions (Section 2)
- 1.3 Relevancy and Admissibility; Rebuttable Presumptions, Irrebuttable Presumptions and Conclusive Proof
- 1.4 Types of Evidence and Admissibility of Circumstantial Evidence
- 1.5 Relevancy of Facts and Closely Connected Facts (Sections 3-14)

UNIT II RELEVANCY OF STATEMENTS AND JUDGMENTS

- 2.1 Admissions and Confessions (Sections 15-25)
- 2.2 Statement of Persons who cannot be called as Witness (Sections 26-27)
- 2.3 Dying Declaration (Section 26(a))
- 2.4 Statements under Special Circumstances (Sections 28-32)
- 2.5 Judgments of Courts when relevant (Sections 34-38)

UNIT III EXPERT OPINION, RELEVANCY OF CHARACTER AND TYPES OF EVIDENCE

- 3.1 Opinions of Third Persons when relevant (Sections 39-45)
- 3.2 Opinion of Forensic Science Expert and Evidentiary Value of D.N.A. Test, Narco-Analysis and Polygraph Test (Section 39)
- 3.3 Character when relevant (Sections 46-50)
- 3.4 Facts which need not to be proved (Sections 51-53)
- 3.5 Oral and Documentary Evidence and Admissibility of Electronic Evidence (Sections 54-73)

UNIT-IV DOCUMENTARY EVIDENCE AND DOCTRINE OF ESTOPPEL

- 4.1 Public Documents (Section 74-76)
- 4.2 Presumptions as to Documents (Section 78-93)
- 4.3 Exclusion of Oral by Documentary Evidence (Section 94-103)
- 4.4 Burden of Proof and Presumptions relating to Burden of Proof (Section 104 -120)
- 4.5 Doctrine of Estoppel (Section 121-123)

UNIT-V PRODUCTION AND EFFECT OF EVIDENCES

5.1 Witnesses and Privileged Communications (Sections 124-139);

5.2 The Oaths Act, 1969 and its relation with the Bhartiya Sakshya Adhiniyam, 2023

5.3 Examination of Witnesses (Sections 140-168)

5.4 Witness Protection Schemes

5.5 Improper Admission and Rejection of Evidence (Sections 169)

LEADING CASES:

1. Aghnoo Nagesia v. State of Bihar AIR 1966 SC 119
2. Anvar P.V v. P. K. Basheer & Ors. AIR 2015 SC 180
3. Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors. (2020) 7 SCC 1
4. Dudh Nath Pandey v. The State of U.P. AIR 1981 SC 911
5. Goutam Kundu v. State of West Bengal And Anr. AIR 1993 SC 2295
6. Mahender Chawla & Others v. Union of India & Others 2018 SCC Online SC 2678
7. M.C. Verghese v. T.J. Ponnann & Another 1969 SC
8. Nishi Kant Jha v. State of Bihar 1969 SC
9. Pakala Narayana Swami v. Emperor 1939 BOMLR
10. Palvinder Kaur v. The State of Punjab 1952 SC
11. Sclvi & Others v. State of Karnataka & Another 2010 SC
12. The State of Bombay v. Kathi Kalu Oghad & Others 1961 SC.

REFERENCE BOOKS:

- i. Ram Jethmalani and D. S. Chopra, Law of Evidence: Concise Commentary, Thomson Reuters, 2015.
- ii. Stephen Mason, Electronic Evidence, 4th Ed., 2017 http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronic_evidence
- iii. Stephen Mason, Electronic Signatures in Law, 4th Ed, 2016, http://humanities-digitalibrary.org/index.php/hdl/catalog/book/electronic_signatures
- iv. Woodroffe & Amir Ali (Revised by B. M. Prasad & Manish Mohan) Law of Evidence (Set of 04 Volumes): Lexis Nexis. 20th Ed. 2017.