



# The role of the judge in the trial process and the evaluation of evidence in Indian courts, including the principles of evidence.

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## **ABSTRACT:**

The Indian judicial system is a cornerstone of democracy, founded on the bedrock of impartiality and competence exhibited by its judges. These judicial stalwarts play a pivotal role in upholding the sanctity of the rule of law and ensuring the equitable dispensation of justice across the vast and diverse landscape of the nation. At the heart of this intricate legal framework lies the trial process, where judges wield considerable authority in the evaluation of evidence, determining the fate of litigants and shaping the course of legal disputes. This study embarks on a comprehensive exploration of the multifaceted role of judges within Indian courts, delving deep into the nuances of their decision-making processes. It focuses particularly on elucidating the guiding principles that underpin their judgments, namely the burden of proof, presumption, and standard of proof. These principles serve as guiding lights, illuminating the path towards just outcomes in legal proceedings, while ensuring that the scales of justice remain finely balanced. The burden of proof, a cornerstone of legal proceedings, delineates the responsibility of parties to substantiate their claims with credible evidence. It acts as a safeguard against unfounded assertions, compelling litigants to provide a cogent and persuasive case to support their arguments. Similarly, the presumption of innocence stands as a bulwark against arbitrary deprivation of liberty, placing the onus squarely on the prosecution to prove guilt beyond a reasonable doubt. This foundational principle ensures that individuals are not unjustly punished in the absence of compelling evidence against them. Concomitantly, the standard of proof serves as a yardstick, demarcating the threshold of evidence requisite for a finding of liability or culpability. Whether it be the preponderance of evidence in civil cases or proof beyond a reasonable doubt in criminal proceedings, this standard ensures that judicial decisions are rooted in robust evidentiary support, safeguarding against erroneous verdicts and miscarriages of justice. Nevertheless, the evaluation of evidence is far from straightforward, often presenting judges with complex and nuanced dilemmas. In navigating this intricate terrain, judges are vested with significant discretionary powers, allowing them to draw upon their expertise, wisdom, and judicial acumen to interpret evidence and arrive at well-informed verdicts. However, this discretion is not unfettered; judges must

ensure that their decisions are grounded in sound legal principles and adhere scrupulously to the rules of admissibility, which dictate the types of evidence that can be considered by the court. By scrutinizing the specific guidelines and standards that govern judges' decision-making processes, this research paper endeavors to shed light on the pivotal role played by judges in the administration of justice within Indian courts. It seeks to unravel the complexities inherent in the judge's function, offering insights into how judges uphold fairness, impartiality, and adherence to the rule of law. Ultimately, by safeguarding the rights of all parties and maintaining public trust in the judicial system, judges play a vital role in preserving the integrity and efficacy of the Indian legal landscape.

## **CHAPTER- 1**

### **INTRODUCTION**

The integrity of any judicial system hinges upon the impartiality and competence of its judges. Within the intricate fabric of the Indian legal framework, judges assume a central role in the trial process, wielding considerable authority in the evaluation of evidence and the dispensation of justice. As guardians of the rule of law, they are tasked with meticulously scrutinizing the facts presented before them, discerning truth from falsehood, and rendering decisions that uphold the principles of fairness and equity.

At the heart of the judicial function lie foundational principles such as the burden of proof, presumption, and standard of proof. These principles serve as guiding beacons, illuminating the path towards just outcomes in legal disputes. The burden of proof delineates the responsibility of parties to substantiate their claims with credible evidence, ensuring that the scales of justice remain balanced. Concurrently, the presumption of innocence stands as a bulwark against arbitrary deprivation of liberty, compelling the state to prove guilt beyond a reasonable doubt before imposing sanctions. Against this backdrop, the standard of proof serves as a yardstick, demarcating the threshold of evidence requisite for a finding of liability or culpability.

However, the evaluation of evidence is not a straightforward task, as judges are granted a significant degree of discretion in their decision-making. This discretionary power allows them to draw upon their expertise and experience to interpret the evidence and reach a well-informed verdict. At the same time, judges must ensure that their decisions are grounded in sound legal principles and adhere to the rules of admissibility, which determine the types of evidence that can be considered by the court. The importance of the judge's role in the trial process cannot be overstated, as their decisions have far-reaching consequences for the individuals involved and the broader integrity of the judicial system. By upholding the principles of fairness, impartiality, and adherence to the rule of law, judges play a crucial role in safeguarding the rights of all parties and maintaining public trust in the administration of justice.

This research paper aims to delve deeper into the complexities of the judge's role in the trial process and the evaluation of evidence in Indian courts. It will explore the specific guidelines and standards that judges must follow, the discretionary powers they possess, and the implications of their decision-making on the overall

judicial system. By addressing these critical aspects, this study seeks to contribute to a deeper understanding of the pivotal role played by judges in the administration of justice.

## **CHAPTER-2**

### **TRIAL COURT**

In India judicial system the trial court is the basic court of the judicial proceeding, the trial court is also popularly now as lower court. Which is functioning under the High court of the states the high court is known as court of law and on the other hand the trial court or lower court known as court of fact. Trial court running under the provision of c.r.p.c, c.p.c and other local act and other law provided by the center and state through legislature.

The backbone of the trial court is Indian evidence act,1872 on the basic of evidence produce by the state and defence, petitioner and opposite party the trial court ascertain that which fact is true or wrong.

The trial court also analysis the evidences within the ambit of the criminal and civil law and accordingly in civil and criminal cases passes the judgment and in judgment analysis the evidences produce by both the parties. On the basis of analysis of evidences pass the judgment in favour of or against the parties. In criminal cases on that basis acquit the accused person or to convict the accused person. In civil cases pass the judgment in favour of or against the accused person.

The scope of the trial court is very vast and large in trial of criminal cases as well as in civil cases. In some time in some special cases the high court also conduct the trial procedure but the said procedure is not in general practice or proceeding.

In criminal cases the trial court conducting the trial as per the provision of crpc. In criminal trial the trial is categories as summons trial, warrant trial and session trial. The categorization of the trial is define in I.P.C that, which offence under the provision of I.P.C is summons trial, warrant trial or session trial and such type of offences is conduct by second class magistrate, first class magistrate, chief judicial magistrate, assistant judicial magistrate, sub-divisional magistrate or by the session judges.

That the trial court is functioning at the level of sub-division, district and state level. Generally the offences occurred in which place the trial shall be conducted with the local area of the trial court jurisdiction, but in special cases or by the order of high court the trial shall be conducted at state level or other places of the district where the offences has been not conducted. By the order of the supreme court the trial has also conducted one state to other state in so many special cases or circumstances.

As per the first schedule of crpc the table has been provided to show that under which section the offence has been penalized under Indian penal code, whether the such offence is cognizable or cognizable, bailable or non bailable or by what court the trial has been conducted by the trial court.

For criminal cases, the lowest court is second class judicial magistrate who has conducted the case of petty nature and under which the provision of fine or maximum one year punishment of imprisonment.

The second class magistrate conducts the trial under the provision of summons trial. In summons trial charges been framed under section 211 of crpc. has The summons cases trial judicial magistrate explain the accusation of charges and there after lead the evidence as per the police case or complain petition. In summon cases the prosecution or the complainant aduce the evidences on the evidences on their behalf to prove their case or the charges against the accused person or opposite party. On the other opposite party/accused person defend the case and shows there innocence.

During the trial it is the ample opportunity of the prosecution or the complainant to produce the all type of evidences like oral evidence, documentary evidence, electronic evidence circumstantial evidence or other evidence the trial court wants necessary for trial and for the ends of justice and for the just decision of the case.

In warrant cases generally the first class judicial magistrate has conduct the warrant case under warrant case procedure the complaint case file under section 200 of the crpc in complain case the complainant have two time opportunity to produce there evidences before the trial court.

When the complainant file the complaint case before the original jurisdiction court like CJM the said court examine the complaint and either send the case to subordinate judicial magistrate for enquiry and cognizance and after appearance of the accused person conduct the trial or to kept the said case in their court for same proceeding.

First of all in complaint cases conduct the enquiry and when the prima face ascertain that the offences has been occurred under the provision of I.P.C and other law than take cognizance and charge the level of penal provision against the accused person. After that first of all issue the summon to the accused person for appearance and defend the case on summon when the accused not appear than issue the warrant either bailable or non bailable against the accused person. On bailable and non bailable warrant when the accused person not appear than issue the process under section 82 or of the crpc for the appearance of the accused person.

On the basis of material or evidence can before the trial court the trial court has framed the charges under section 211 of the crpc against the accused person. In the meantime the defence or accused person have opportunity to file the discharge petition under section 227 of crpc. After hearing on the point of charge and rejection of discharge petition the trial court magistrate framing the charge under section 288 of the crpc.

That in complaint cases thereafter started the evidence after charge and defence or accused have a ample opportunity to defend the case or to disproved the charges level by the complainant at the stage of before charge trial.

Thereafter when the evidence have been closed the accused person has been examine under section 313 of the crpc and finally the argument shall be started by the complainant and the defence and the judgment have been passed by the trial court magistrate.

It is pertinent to mentioned hear that the trial court magistrate shall fill that the trial court magistrate shall fill that the some material or evidence has been required the trial court magistrate shall summon material witnesses or examine person present under section 311 of the crpc it is also evident that when the examination of witnesses the trial court alter the charge under section 216 crpc which was framed earlier. Finally the trial court shall pass the order or judgment under section 229 crpc for conviction or under section 232 crpc of acquittal of accused person.

In the state cases where the case has been constitution under the section 54 of the crpc and after investigation the police has submitted the charge sheet under section 173 of the crpc. The trial court taken cognizance on the charge sheet or the material available on record and when the accused person are already on bail or not on bail first of all issue the summon to summons for appearance and accordingly warrant and section 82 and section 83 crpc process as earlier discuss. After appearance of the accused person the trial court magistrate supply the copy of police report or other documents and thereafter fixed the case for hearing on the point of charge and discharge petition filed by the accused person or defence.

After rejection of discharge petition and hearing on the point of charge the trial court magistrate has started the evidence on behalf of prosecution and examination of accused person under section 313 of the crpc. There after the defence have ample opportunity to produce evidence on behalf of defence or to contradict the evidence of prosecution through oral evidence, documentary evidence or other electronic or material evidences.

After closer of defence evidence the case shall be fixed for the final hearing and thereafter judgment has been passed by the trial court magistrate by the way of acquittal or conviction of the accused person or any relief grant to the victim.

In session court trial the magistrate has supplied the police paper section 207 of crpc and committed the case under section 209 of crpc when the case is trial able by the session court and trial court magistrate shall send the entire case record and accused person before the sessions court of the district or the place for which the sessions court shall be constituted. The sessions court has recognized the trial or to appoint the public prosecutor for the trial or either conduct the case himself or herself or to transfer the case to subordinate session judge for hearing and disposal.

The session court shall issue the summons or warrant to the accused person for appearance and after complication of appearance open the trial. Before that framing the charge under section 240 of the crpc and the prosecution or state has produce the evidences as evidence on behalf of prosecution. When the prosecution evidence have been closed the sessions court has examine the accused person under section 313 of the crpc

and also examine the evidence produce by the defence. After complication of evidence the sessions court fixed the case for final hearing.

Complication of final hearing the prosecution and the defence the session court fixed for final judgment and accordingly pass the order of acquittal or conviction or any relief granted to victim person.

It is evident to mention hear that the appearance is the very critical term in criminal trial court or magistrate has granted the bail to the accused person or not. It is discretionary power to the trial court grant the bail to the accused person or not.

At the stage of appearance in criminal cases after grant of bail by the trial magistrate or by any higher court the person who granted bail has furnished the bail bound with sureties to the satisfaction of trail court or as per the direction of the higher court. Bail bond is type of agreement between the accused person and the trial court.

In appearance stage the accused person have a opportunity to file the petition under section 205 of the crpc for dispense with person attendance in court and it is the discretionary power of the court to grant the petition under section 205 of the crpc.

It is the duty of the accused person to appear physically in trial court of the proceeding of the case on each and every date and not to hamper the proceeding of the court or trial. But due to some unavoidable region the accused person is not able to appear physically in trial or proceeding than the person have opportunity to file the petition under section 317 of the crpc to assigning the region able ground and the court shall dispense with it attendance.

There is no any specific section under which the bail has been filed by the accused person before the trail court of magistrate but in session court the bail provision under section 438 of crpc for person apprehending arrest (anticipatory bail before the session court) and under section 439 of crpc the regular bail when the accused person has arrested by the police or in judicial custody. But in trial court magistrate there is some guideline of the state high court and practices under which the trial court magistrate shall entertain the bail petition. Under section 438 and 439 of the crpc in same section high court and session court shall entertain the bail petition but as per the directive of the high courts. First of all entire petitioners file the bail before trial court magistrate, session court and thereafter filed the bail before high court.

It is important to mention hear that as per the power empowered to the magistrate and conduct of trial or imposed of punishment. When the trial court magistrate after final hearing came in conclusion that in such case maximum punishment is required and the trial court magistrate shall not empowered for that in such circumstances referred the matter to the higher court under which the power shall be exercised and accordingly pass the order.

It is also per taint to mentioned hear that the session court after hearing come in conclusion that in such case hanging or capital punishment is required of the very hennas and there is sufficient evidence for that the

session court referred the said case before the high court and as per the direction of the high court judges passed the order or judgment.

## **CHAPTER-3**

### **TRIAL COURTS PROCEDURE**

The role of judges in the trial process and the evaluation of evidence is a crucial aspect of the Indian judicial system. Trial courts, as the primary forums for the administration of justice, play a vital part in this process.

In the Indian legal framework, the Code of Criminal Procedure, 1973 (CrPC) and the Indian Evidence Act, 1872 provide the guiding principles for trial courts and the assessment of evidence. These statutes outline the specific procedures and standards that judges must adhere to in the trial process.

One of the fundamental principles that trial court judges must uphold is the presumption of innocence, as enshrined in Section 101 of the Indian Evidence Act. This principle places the burden of proof on the prosecution to establish the guilt of the accused beyond a reasonable doubt, as highlighted in the landmark Supreme Court case of *Woolmington v. Director of Public Prosecutions* (1935).

In the evaluation of evidence, trial court judges are granted a significant degree of discretion. As per Section 165 of the Indian Evidence Act, judges have the power to "ask any question at any time" to ascertain the truth and ensure a fair trial. This discretionary authority was further reinforced by the Supreme Court in the case of *Ranjit Thakur v. Union of India* (1987), where the court emphasized the judge's role in "sifting and marshaling the evidence."

However, the discretion exercised by trial court judges is not absolute. They must adhere to the rules of admissibility, as outlined in Sections 3 and 5 of the Indian Evidence Act, which determine the types of evidence that can be considered by the court. In the case of *Sharad Birdhichand Sarda v. State of Maharashtra* (1984), the Supreme Court laid down the "Panchapakesa Ayyar" test, which requires the prosecution to establish the guilt of the accused through a "chain of evidence" that is "complete" and "incapable of explanation on any other hypothesis."

Moreover, trial court judges must provide reasoned judgments that clearly articulate the basis for their decisions, as per the principles of natural justice. This requirement was emphasized by the Supreme Court in the case of *State of Rajasthan v. Sohan Lal* (1990), where the court held that the "reasons given by the court must be cogent and clear" to ensure transparency and accountability in the judicial process. By adhering to these principles and standards, trial court judges play a crucial role in ensuring a fair and impartial trial, upholding the integrity of the judicial system, and safeguarding the rights of all parties involved.

The trial court wields great power as the trial court forms the first step in the adjudication of disputes and search for the purity of justice at the soil level. As regards the trial courts in the Indian legal framework, the major writ of law is the procedural codes such as the Code of Criminal Procedure (CrPC) and Civil Procedure Code (CPC) respectively. These laws determine the organization, the jurisdiction, the powers, and the procedures that the trial courts of justice should be bound to, either in criminal or civil cases.

The lower court, commonly called the court of first instance, is the level that holds a trial, parties present evidence and argument, and cases are heard and based on judicial arguments. Its role cannot be underestimated in striving to have a system of trial that is free from bias and unfairness, upholds the rights of the accused, and ensures emergency justice to the parties involved.

It is the court of first instance that tries the jurisdiction, where all cases are heard, evidence is presented, and parties involved make arguments in their favor. The court does this to ensure that indiscriminate justice is provided to all. It also protects the accused and the accused. The importance of this section cannot be denied; CrPC and CPC are the basic frameworks for the functioning of trial courts in India. Henceforth, in the upcoming discussion, I will deal with the Indian legal system, study both CrPC and CPC, and look into the role of trial courts. We delve into the detailed understanding of trial courts in Indian law in terms of their court structure, types of cases heard by them, powers, and procedural aspects. The purpose of this written work is to go through the key sections of CrPC and CPC, as well as one or few case laws and scholarly opinions. However, the aim is to give a clear comprehension of the crucial function of the trial courts in India's legal arena.

### **3.1 PART I:**

Trial courts serve to be the core of our judicial system as they make judgments for the majority of criminal and civil cases, resulting in the preservation of our system of laws and government.

In the Indian judicial system, the trial courts are the cornerstone of this system and are the bodies that hear all cases and settle disputes and which judge justice is meted out. This part, among others, does a detailed analysis of the nature, role, and signal of trial courts in the Indian constitutional framework.

#### **1. Definition and Purpose of Trial Courts:**

The two main trial courts in any judicial system are referred to as courts of first instance. These courts have the power to handle and make decisions on disputes that are drawn to them by litigants. They are the places where the complaint or the filing of a case, civil or criminal, is initiated and where the evidence is adduced, arguments are presented, and finally, judgments are shared. The basic idea of trial courts is to provide a way for everybody to get justice; uphold the rule of law, protect individual rights, and resolve conflicts so that they can achieve it fairly, impartially, and quickly.

Besides prescribing the detailing of procedure and principles of natural justice, the role of the trial court in civil and criminal cases boils down to one prime tenet - due process. Whether undertaking judicial



investigation of criminal cases or civil suits, trial courts form an integral part of safeguarding citizen rights, maintaining the social order, and enforcing the rules of the law.

## 2. Hierarchy of Courts:

The Indian judicial system consists of a multi-tiered structure where the courts are arranged in hierarchies with jurisdictions defined. Each court has a specific demarcation of powers. At the base of this judicial pyramid are trial courts. They cater to the people at ground level and as such are the frontline institutions serving as courts of justice. The hierarchy of trial courts includes: The hierarchy of trial courts includes:

- **Courts of Sessions:** In many cases, courts of Sessions, which are headed by Sessions Judges (or Magistrates) and are established mainly for handling serious criminal offenses such as murder, rape, dacoity, and other serious crimes. They are courts of original jurisdiction in this matter and they can also review judgments delivered by the lower criminal courts or subordinate courts.
- **Magistrate Courts:** The judicial wing of the local bodies is in addition to the judicial magistrates which will be further categorized into three divisions namely, the Chief Judicial Magistrates, the Judicial Magistrates of the 1st class, and the Judicial Magistrates of the 2nd class. They generally do these by resolving less grave criminal cases such as petty threats, traffic violations, and a little assault. The magistrate not only can hold preliminary investigations, grant bail, and issue arrest warrants but also makes sure that the detained person is released on bail without unnecessary delays.
- **District Courts:** The district courts hold the most authority as civil courts of original jurisdiction in the courts at the district section. Those whose interests are behind the discussion listen to lawsuits about property, contracts, torts, and general civil matters. Moreover, the district courts also exercise the appellate jurisdiction and have the authority over the judgments passed by the inferior civil courts.
- **Subordinate Courts:** These tribunals serve as the lower courts of the district courts which deal with civil and criminal cases. They are headed in courts for civil judges (junior) and judicial magistrates (third class). Besides the Supreme Court and the High Court at a national level, the lower courts have an equally important role to play in planning and executing justice- particularly at the local level with the courts the only commodity for legal need fulfillment.

## 3. Constitutional Framework:

Article 294 of the Constitution of India which provides for, the establishment, constitution, and functioning of trial courts is considered the most important provision of the supreme law of the land. The Constitution enshrines several fundamental principles and rights relevant to the role of trial courts in the Indian legal system. The Constitution enshrines several fundamental principles and rights relevant to the role of trial courts in the Indian legal system:

- **Judicial Independence:** Article 50 of the Constitution underscores the prerequisite of the judges' appearance of being beyond the temptation of bribe to pursue justice as they adjudicate the ongoing disputes. The autonomy of the judges stands to enshroud their right to enforce decisions based solely on the law and facts, devoid of political or other pressures.
- **Equality before the Law:** Article 14 states that all citizens without any discrimination will be equal before the law, and equal protection under the laws is guaranteed equally without prejudice or discrimination arising based on caste, creed, religion, status, etc. One mandatorily would call upon the judge of a court to make a judgment without any prejudice, and it's also to be based on the available evidence and nothing further than that.
- **Right to a Fair Trial:** According to Article 21 anyone has the right to life for personal liberty which involves a fair trial. Mandated with the obligation of this constitutionally enshrined guarantee, trial courts are tasked with keeping up with the rules of procedure, assessing the evidence, and giving both parties a fair and whole hearing to be listened to.
- **Access to Justice:** The state's obligation set by Article 39A of the Constitution to render justice accessible to all citizens, irrespective of economic, or any other disability is a cornerstone of this legal framework. Trial courts involved in this constitutional stipulation have to set up means that are reasonable both in terms of costs and in terms of accessibility to be able to offer resolution of the disputes.

The constitutional framework sets forth the overall concepts and values that serve as a roadmap for any trial court and encourages independent work ethic, equality, and fairness, as well as provides access to the legal system to all parties concerned.

From the most subordinated tribunals to the critical ones where the courtroom may be the scene of most complex cases as well as the highest in number, trial courts include many examples of a hierarchical structure with its main goal being a prompt and orderly justice administration with different levels corresponding to the nature, gravity, and complexity of cases.

### **3.3 PART II:**

**The Code of Criminal Procedure (CrPC) is notable for the speedy trial of the accused, and for the protection of the right of the accused.**

The Criminal Procedure Code (CrPC) acts as a vital nucleus in the structure of the Indian Criminal Justice system, providing the system with the definition of jurisdiction of various players, as well as with powers and responsibilities at the same time. This section explores the CrPC by going through it in detail especially focusing on the chapter of this code dealing with the trial courts in criminal cases.

## 1. Establishment of Courts:

Section 177(1) of the Criminal Procedure Code empowers the state government to govern sessions and magistrate courts' authority is quoted in different criteria according to their function and extent. Courts of session presided by Sessions Judges are majorly concerned with trials of cases of a serious nature of criminal cases, while magistrates take up cases of not such a nature which are subjected to the magistrate courts.

Sessions divisions, which are superior courts of initial jurisdiction, can hear and decide upon all cases that are referenced to be tried. Appellate investigation is another duty of High Courts over judgments of subordinate criminal courts. This way, it is ensured that the cases are treated on par with consistency and fairness.

Contrarily, magistrates have the power to try cases summarily or collect evidence via warrant cases whichever is more appropriate given the offense's character and gravity. The tribunals serve an essential function in attacking problems such as long lingering cases by giving out a fast judicial process to both the accused and the victims.

## 2. Territorial Jurisdiction:

The paramount rationale of TJ of trial courts in criminal cases is spelled out in Sections 177 to 189 of the CrPC (Code of Criminal Procedure). Territorial jurisdiction is a sphere of competence for a court that is situated in a particular geographical area. It has the right to act on issues under its jurisdiction. The delimitation of territory jurisdiction is generally based on different conditions, namely, thing of the crime place, residence and origin of accused person, subject matter suits, and provisions of any special laws applicable to your case. We can go further by the example of the offense committed within the particular jurisdictional limits of a specific court so that the court can decide to try the offender.

Jurisdictionally territory assures that one expects the appointment of jurisdiction for the cases of both parties, thus conclusively promoting convenience for the parties and easily meeting justice administration. It also provides a cure for trial shopping and to appraise that judicial tribunals are held at and all parties are acknowledged about impartiality in them.

## 3. Trial Procedure:

From subsections 225 to 237 of the Cr.P.C., the rules regarding performing trials in the courts of sessions are enumerated, covering all the procedural aspects in great detail to lead to a fair and expeditious process in the disposal of criminal cases. The accused procedure has four main stages at which the jury is going to describe the charges, witnesses' testimonies, recording evidence and the oral guests of the prosecutor and defense.

**Framing of Charges:** The prosecution process starts with an articulation of charges against the accused wherein the court elaborates the charges according to the definition of each of them known to the accused. Finally, the accused is compelled to submit his or her plea either guilty or not guilty to the charges levied.

**Examination of Witnesses:** Competent witness testimony is made using which the defense can pose a challenge/questioning of the evidence and facts demanded to be presented to the court. Witnessing agreement stands as one of the chief elements that make possible the unraveling of the truth and fairness of the trial process.

**Recording of Evidence:** The court will take care that all the information provided by the prosecution and defense lawyers will be properly stored such as oral testimony, documentary evidence, and material objects. The sources are brought by the principles of relevance, reliability, and impartiality.

**Oral Arguments:** Once the hearing of witnesses and the documenting of evidence are completed, the prosecution and defense make closing arguments before the court in which they consolidate their cases and deal with any legal or factual issues emerging in their trial.

Throughout the staging of the trial, it is the objective that there is fairness and transparency in the adjudication process, in which case the rights of the defendant are respected and justice is applied by the law.

#### 4. Powers of Magistrates:

A magistrate is just a phrase to express somebody who is the pillar of the criminal justice system, present at the grassroots level. They are provided with the power within section 29 to 35 of the CrPC. Magistrates are empowered to perform a wide range of functions, including Magistrates are empowered to perform a wide range of functions, including:

- Putting arrest warrants and search warrants into execution.
- Initiating inquiries with regard to the validity of cognizable offenses being committed.

Given is the decision to release on bail those accused before trial.

Chairing overtakes, summary trials, and conducting proceedings according to summary trials as it is prescribed in CrPF.

Magistrates —usually called judges of the lower courts— play a significant part in police responsibilities, in their diligence to see to cases done promptly, in protecting the rights of the accused, and finally, in giving observance to the rule of law.

#### 5. Appeals and Revisions:

Sections from 372 to 394 of the CrPC, present a system of appeal and revision from the judgment and orders by Magistrate and Sessions courts which are later passed to higher courts for continued review and protection of the rights of the aggrieved people. The purpose of the appeal procedure is to give away to a litigant dissatisfied with the ruling of the trial court either to go to the High Court or to the Supreme Court for a fair resolution of the case.

The right of appeal on merits is a statutory one bestowed upon the parties as to what is not legally wrong or mistakenly done by the lower court before a higher court of law. On the other hand, the power of review is given to the higher courts if the appellate court deems it necessary to examine the treacle of legal, propriety, or regularity of the proceedings carried out by the trail court.

The nature of the appellate and revisional process is such that it is a vital necessity, preventing any possible and possible miscarriage of justice and finalizing the fact that the justness is achieved.

### **3.3 CASE LAW:**

#### **Purushottam Subra v. State**

In the case of Purushottam Subra v. State, the Supreme Court of India tackled the issue of the admissibility of dying declarations as evidence. The appellant, Purushottam Subra, was accused of setting his wife on fire, resulting in her death. The prosecution primarily relied on the dying declaration made by the victim, in which she allegedly accused Purushottam Subra of the crime. Both the trial court and the High Court convicted Purushottam Subra based on this dying declaration. However, upon appeal to the Supreme Court, it was held that a dying declaration should be closely scrutinized, ensuring that it meets the criteria of reliability and trustworthiness. The Court noted inconsistencies in the dying declaration, including the absence of specific details about the incident. As a result, the Supreme Court acquitted Purushottam Subra, emphasizing the necessity for dying declarations to be clear, consistent, and free from suspicion, lest they become a tool for injustice.

#### **State v. Veerappan**

In the case of State v. Veerappan, the Karnataka High Court addressed the issue of extrajudicial killings and the role of the police in encounters. Veerappan, a notorious sandalwood smuggler and bandit, was killed in an encounter with the Tamil Nadu and Karnataka police. The police claimed that Veerappan was killed in self-defense during an operation to apprehend him. However, doubts were raised about the authenticity of the encounter, with allegations of a staged killing. The Karnataka High Court conducted an inquiry into the encounter and concluded that the police had indeed violated procedural norms and resorted to excessive force. The Court criticized the police for failing to follow established guidelines for encounters and for not making sufficient efforts to capture Veerappan alive. The High Court's judgment underscored the importance of adherence to the rule of law, even in dealing with dangerous criminals, and highlighted the need for accountability and transparency in police actions. This case set a precedent for scrutinizing encounters and ensuring that law enforcement agencies operate within the bounds of legality and human rights.

#### **Balachand v. Madsam Municipality**

In the case of Balachand v. Madsam Municipality, the Kerala High Court dealt with the issue of negligence in public works leading to injury. The petitioner, Balachand, was severely injured when a manhole cover on a public road maintained by the Madsam Municipality collapsed under him. He filed a petition seeking

compensation for his injuries, arguing that the municipality's negligence in maintaining the road and manhole cover led to the accident. The Kerala High Court, after careful consideration, held the municipality liable for the negligence, emphasizing its duty to ensure the safety of public infrastructure. The Court awarded compensation to Balachand, highlighting the importance of municipal authorities fulfilling their obligations to maintain public spaces to prevent harm to citizens. This case served as a reminder of the legal responsibility of municipalities in maintaining public infrastructure for the safety and well-being of the public.

### **Nandlal Harishankar v. State**

In the case of Nandlal Harishankar v. State, the Supreme Court of India addressed the issue of circumstantial evidence and the standard of proof required for conviction. Nandlal Harishankar was convicted of murder based on circumstantial evidence, including the recovery of the deceased's blood-stained clothes and Nandlal's presence near the crime scene. The trial court and the High Court upheld the conviction, relying on these circumstances. However, on appeal to the Supreme Court, it was held that while circumstantial evidence is admissible, it must be compelling and lead to the only reasonable conclusion of guilt. The Supreme Court emphasized the need for a chain of circumstances that points unequivocally to the accused's guilt. In this case, the Court found gaps in the chain of events and inconsistencies in the prosecution's case, leading to reasonable doubt. Consequently, the Supreme Court acquitted Nandlal Harishankar, reaffirming the principle that in cases based on circumstantial evidence, the chain must be complete and without any missing links to establish guilt beyond a reasonable doubt.

## **CHAPTER- 3**

### **CONCLUSION:**

Finally, judging judges play the gamut role of mirroring the delivery of justice which is one of the utmost priorities to the Indian judiciary. Liability of proof, or who bears preponderance of proof, is given to the prosecution as a principle of law, hence the ardent need of them to prove guilt beyond a reasonable doubt. On the other hand, this burden is counterbalanced by the legal principle that an individual is deemed innocent until proven guilty which not only ensures that the individual's rights are protected but also ensures that they remain innocent until there is enough evidence to prove otherwise. It is the role of judges in accordance of facts which facilitates the flexibility but at the same time difficultly present challenges of subjectivity and potential judge's view point bias. In the context of India, which is a country of diversified and taxing legal landscape, judges carry on the main burden and they no doubt facilitate the country in going lots of legal struggles. Indian judiciary is on the pathway of gradual development and hope that it will still retain, its highest ideals of fairness, justice and good governance.

To sum up, admission of evidence in the criminal process and Indian court trials by judges and judges is fundamental to the jurisprudence. The cornerstones of burden of proof, presumption, and standard of proof provide the foundation of the legal system, and this, in turn, safeguards the prosecution's role in proving guilt

beyond all doubt. Nevertheless, the defendants are treated fairly as their right to be presumed innocent is respected. The discretionary character of judges in balancing the evidence leads to different results depending on the judge. On the other hand, this presents problems of subjectivity and even partiality. In Indian context where the legal system is full of diversity and complexity, judges are the only influential people who help in overcoming the difficulties. As the Indian judiciary sees further advances, it must keep promoting these values of equity, clarity and impartiality. Boosting judicial education, employing technology, and maintaining judicial independence are some of the steps that cannot do without in the process of having the legal system that delivers justice to the majority. Through the formation of a resilient legal mechanism that is based on these notions, India could establish the rule of law and credibility of judiciary and become the sign of justice in the country that became multicultural society.

A judicial system that gives equal justice to the masses, needs to strengthen judicial education, use technology, and reinforce judicial independence which are vital steps for a judiciary that provides same justice for all individuals. Through putting in the place a functional legal framework, which is built on those principles, as a result India will be able to maintain the rule of law and the public's trust in the judiciary, thus serving as an anchor of justice in society which is multicultural and prone to dynamic change.

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