

Petty Offences

As defined in CrPC :

“Petty offence” means any offence punishable only with fine not exceeding one thousand rupees, but does not include any offence so punishable under the Motor Vehicles Act, 1939 (4 of 1939), or under any other law which provides for convicting the accused person in his absence on a plea of guilty.

In summary trials

- No Sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction

Petty Offences : Practical Aspect

Petty Offences

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graph TD; A[Petty Offences] --- B[Kalandras]; A --- C[Panchayat Trials]; A --- D[Compounding of offences];
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Kalandras

**Panchayat
Trials**

**Compounding
of offences**

Kalandras

Under Criminal Procedure

Section 133 CrPC

Section 107/50 CrPC

Section 107/51 CrPC

Under Indian Penal Code

Section 283

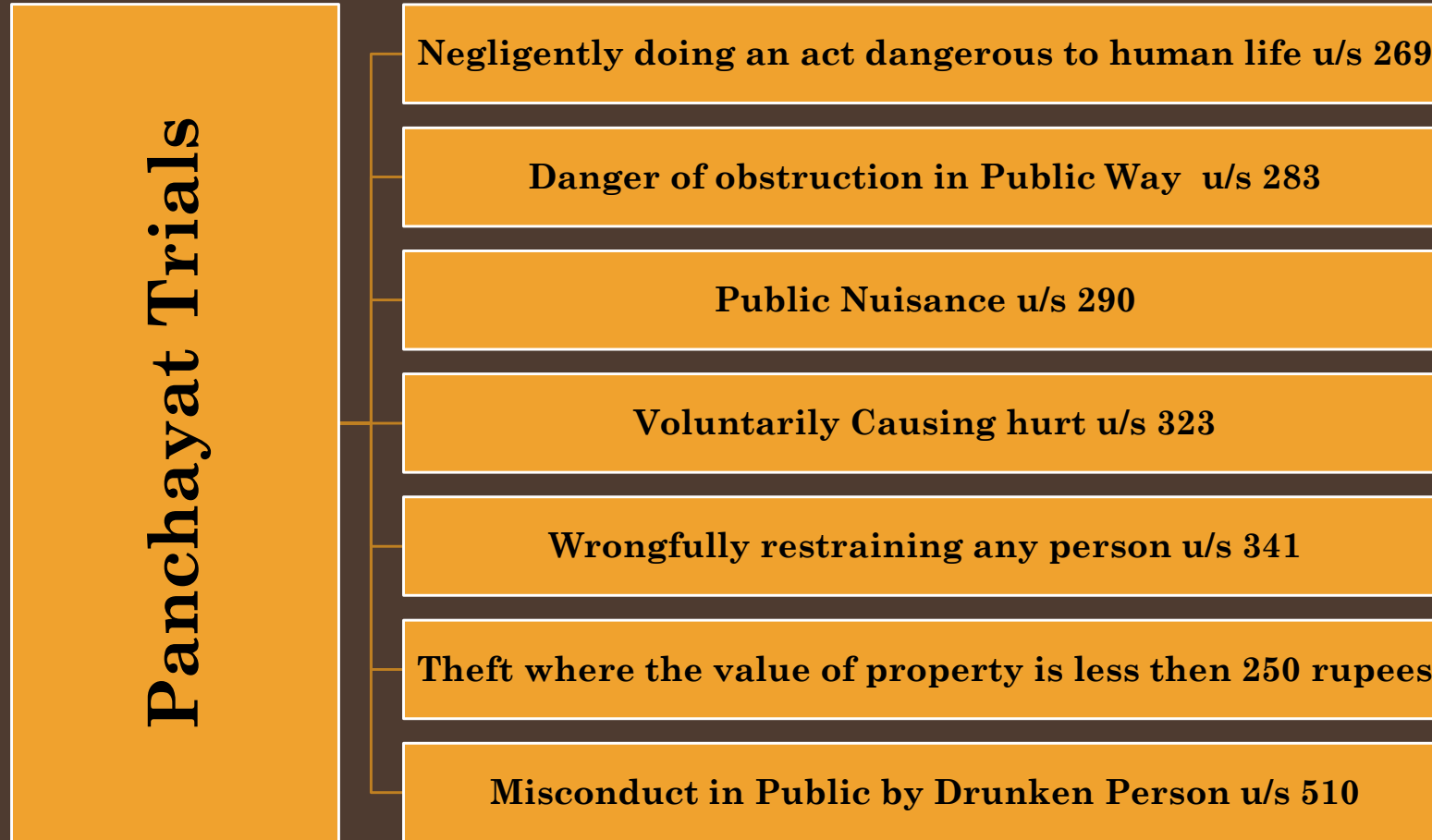
Section 290

Section 294

Section 510

Section 186

Panchayat Trials : Petty offences which has been given in the Schedule –II of Panchayati Raj Act . Some of the Offences are :



**Compounding of Offences
by Police**

MV Act 1988

COTPA 2003

Provisions of Police Acts

Mining Acts

Offences :

Cognizable

- Given in the First Schedule and in which Police can arrest without warrant.
- FIR under Section 154 and Investigation by Police as per section 157-173 CrPC.

Non-Cognizable

- In which Police cannot start investigation without the order of Magistrate.

First Information Report U/S 154 CrPC

First information report is a very valuable document. It is of utmost legal importance both from the point of view of the prosecution and the defence. This report constitutes the foundation of the case in the first instance. The information is usually called FIR is the one which is given in writing or which is reduced in writing U/S 154 CrPC.

Though this term is not used in the Criminal Procedure Code however, 'An information given under sub-section (1) of section 154 CrPC is commonly known as first information report (FIR)

When one file a complaint about commission of a cognizable offence it is mandatory for the police to registration of FIR.

WHO CAN FILE FIR

FIR can be filed by the following persons:

- By an aggrieved person or somebody on his behalf.
- Any person who is aware of the offence by being either:
 - An eye witness and/or
 - hearsay account.
- By the accused himself.
- By the SHO on his own knowledge or information even when a cognizable offence is committed in view of an officer in charge he can register a case himself however he is not bound to take down in writing any information and even if the information is only by a medical certificate upon arrival of the injured, then the (SHO) should enter it in daily diary and go to hospital for recording detailed statement of injured.

CRIME AGAINST WOMEN

- **As per section 154 CrPC**
- If an information is given by a woman against whom an offence under section
 - 326A, 326B,
 - 354A to 354D,
 - 376(376A,376AB,376B,376C,376D,376DA, 376DB & 376E or
 - section 509 IPC is alleged to have been committed or attempted, then such information shall be recorded by a woman Police Officer or any woman officer.

Crime against Disabled Person

- If the person against whom an offence under above section is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled,
 - Then such information shall be recorded by a Police Officer at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator as the case may be:
 - The recording of such information shall be video graphed:
- The Police officer will get the copy of the statement recorded by magistrate under section 164 sub clause 5A in crime committed under section 354A to 354D, 376 (376A,376AB,376B,376C,376D,376DA, 376DB & 376E or section 509 IPC)

The essential conditions to be known while reporting/recording information are :

1. What information needs to be conveyed ?
2. In what capacity the crime happened ?
3. Who committed the crime ?
4. Against whom the crime was committed ?
5. When was the crime initiated ?
6. Where did the crime took place ?
7. What was the motive behind ?
8. The way of occurrence, if any
9. Witnesses, if any.
10. If anything was taken away ?

Procedure for filing FIR

Section 154 of the Criminal Procedure Code, 1973 lays down the procedure for lodging an FIR-

- **Written Form:** When the information about the commission of a cognizable offence is given orally, the police must write it down.
- **Read Over :** A person giving the information or making a complaint can demand that the information recorded by the police to be read over to him/her.
- **Verification :** One should sign the report only after verifying that the information recorded by the police is as per the details given by you.
- **Signature :** Once the information has been recorded by the police, it must be signed by the person giving the information.

It is to be kept in mind that people who are unable to read or write are expected to put their left thumb impression on the document after being satisfied that it is a correct record.

- **Copy of FIR :** A person filing a FIR has the right of getting a copy of FIR free of cost.

Evidentiary value of FIR

FIR not being a substantive piece of evidence, can be used in the following ways :

1. Used for Corroboration purposes.
2. For contradicting purposes the evidence of person giving the information is important.
3. As an admission against the informer.
4. To refresh former's memory.
5. To impeaching the credit of an informer.
6. To prove the informer's conduct.
7. In order to establish identity of accused, witnesses & for fixing spot time as relevant facts.

What if Policeman Refuses to record FIR?

1. One can bring the complaint to the notice of the Superintendent of Police or any other concerned official by meeting them directly.
2. Complaint can be sent in writing through post to the Superintendent of Police concerned. It is at the option of the officer that if he is satisfied with the complaint, he shall either investigate the case himself or order an investigation to be made.
3. One has the option to file a private complaint before the court having jurisdiction.
4. One can always approach the State Human Rights Commission or National Human Rights Commission in case the police acts in a negligent or biased manner.

Cognizable Offences :

1.

• **Departure to Spot under Police Rule 25.10 and 157 CrPC**

2.

Site inspection in the investigation of crime.

3.

Call on the forensic expert. HPR 25.14

4.

Preparation of Site Map under Police Rule 25.13

Cognizable Offences :

5.

• **Collection of Evidences**

6.

Preparation of Memos (Search Memoes)

7.

Filling of 25.35 Forms as per PPR in case of death

8.

Recording of Statements.

Cognizable Offences :

9.

- **Medical (MLC)**

10.

Arrest of Accused under section 41 with compliance of procedure of section 46 CrPC.

11.

Preparation of Arrest Memo If Offence is non-Bailable and if Bailable and no notice of 41 A was given

12.

Apprising of Ground of arrest under Section 50 CrPC.

Cognizable Offences :

13.

• **Information to Relatives under Section 50 A**

14.

Bail under Section 436 & 437 as the case may be

15.

Search of accused arrested in non-bailable or when he is unable to arrange guarantor of bail.

16.

Recording of Statements

Cognizable Offences :

17.

Power to seize offensive weapons u/s 52.

18.

Medical Examination of accused u/s 53.

19.

Medical Examination of accused of rape u/s 53A.

20.

Medical Examination of rape victim u/s 164A.

Cognizable Offences :

21.

• **Health and safety of accused u/s 55A**

22.

Production of accused before Magistrate within 24 hours u/s 56.

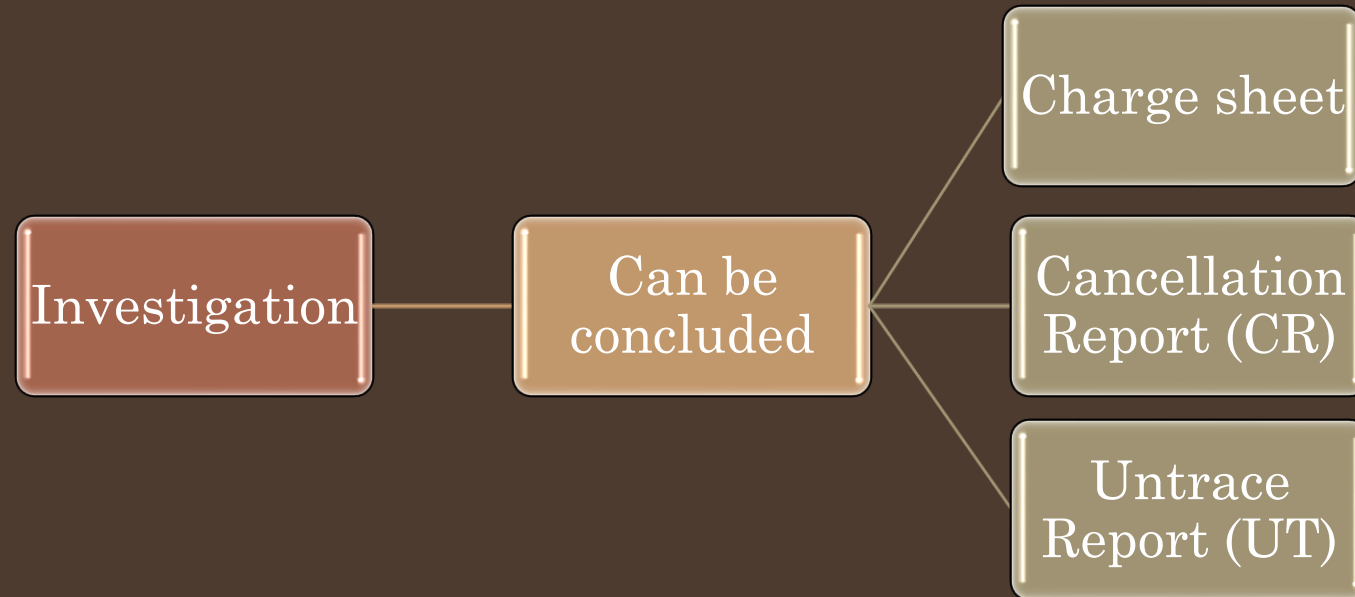
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Taking of Police / Judicial remand u/s 167.

24.

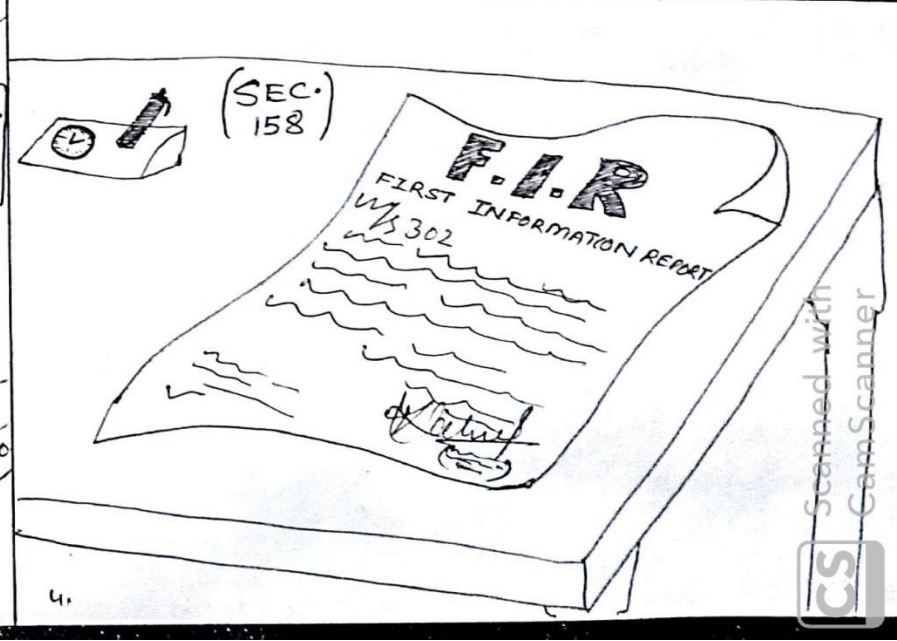
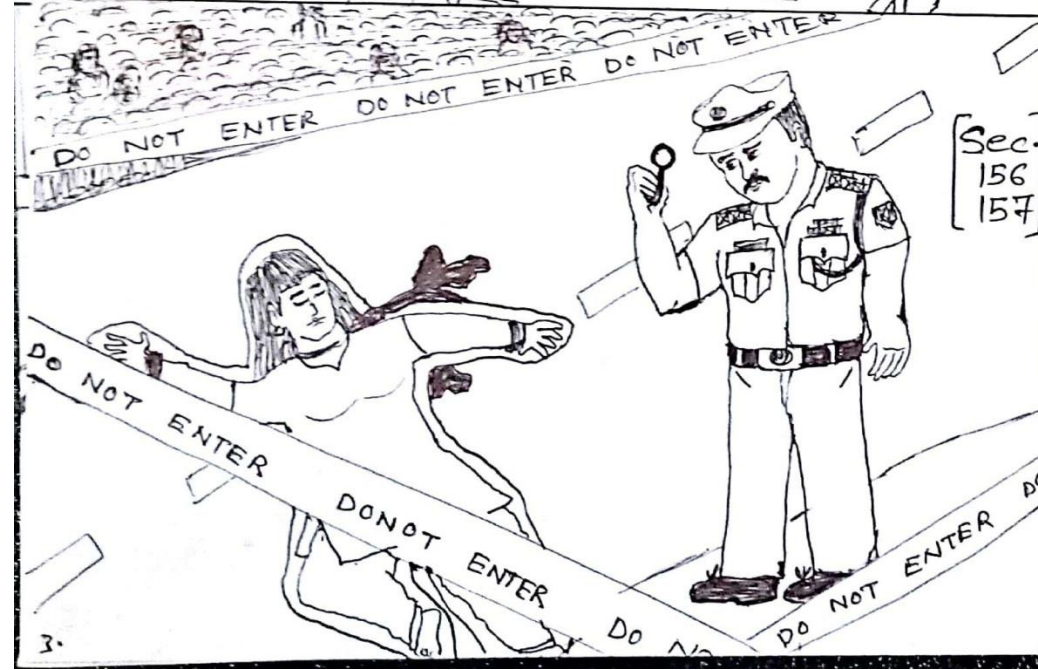
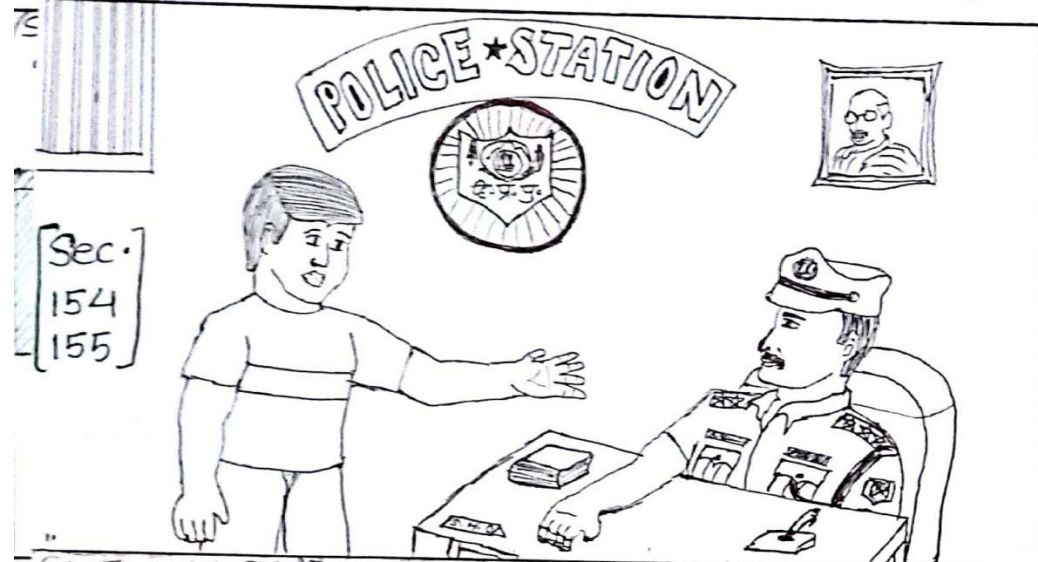
Recording of Statements under section 161 CrPC

Conclusion of Investigation



INVESTIGATION (Sec. 154 to 173 Cr. PC)

Investigation → (Sec. 2(h))
It includes all the proceedings under this Code for the collection of evidences conducted by a P.O or by any other person authorised by the Magistrate

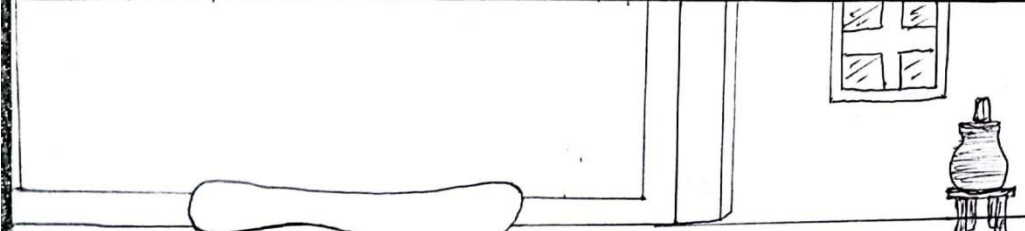


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POLICE STATION

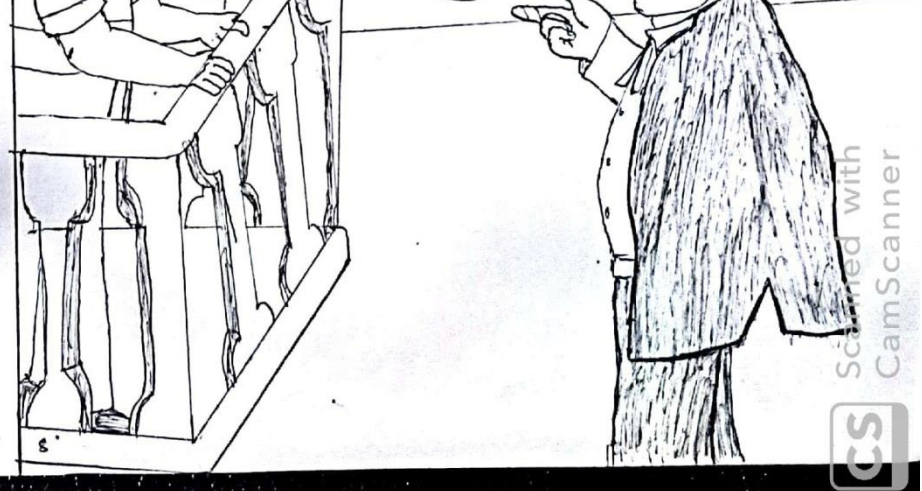
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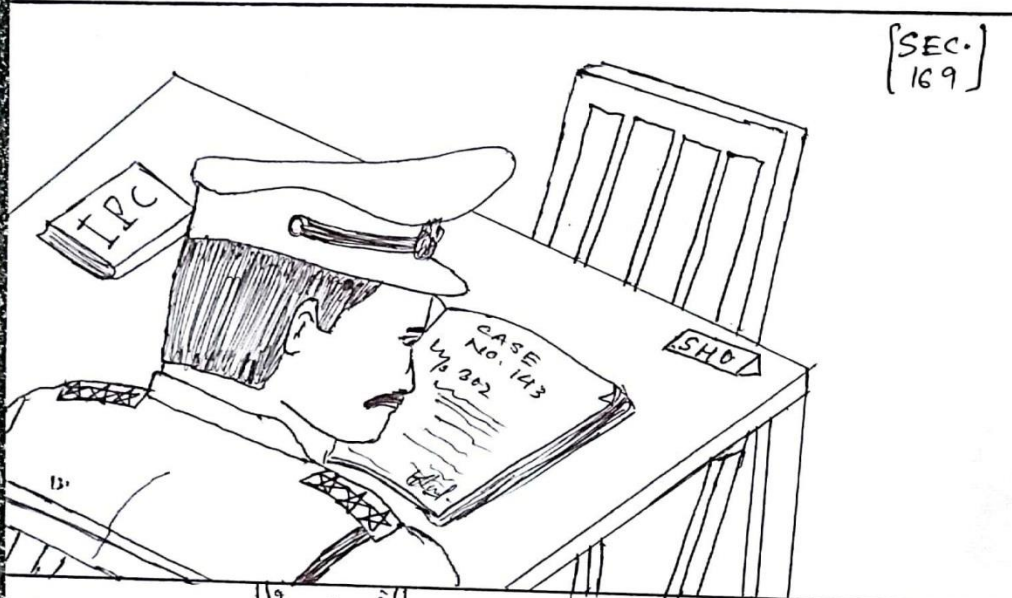


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If Non-Cognizable Offence



Once the Police is permitted to investigate a non-cognizable case. He can exercise the same Powers in respect of a cognizable case. Except that he cannot arrest any person without warrant.

If in a complaint one offence is cognizable and others are non-cognizable that whole complaint shall be treated as cognizable.



Thank You