

Law And Justice - A Case Study

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Q. 1. Correct the false statements

- An F.I.R. is filed in the court.
- Being arrested by the police is equal to being punished.
- A bail is given on the basis of sureties.
- Supreme Court is the highest court in the country.

Answer : • An F.I.R. is filed in the police station.

Explanation: Judgement on F.I.R is taken in the court but it is filed in the police station to lodge any complaint against wrong deeds of people.

- Being arrested by the police is not equal to being punished.

Explanation: Police arrests accused to investigate about the case, not to give him chance to destroy the evidences or threatening the witness. Punishment is given by the judges in the court only.

- A bail is given on the basis of the gravity of the offence.

Explanation: A bail is given by SHO or judge on the basis of its possibility to be a threat to witness, offender or society if he gets released.

- Supreme Court is the highest court in the country.

Explanation: This statement is correctly written in the question as Supreme Court is the final court of appeal and its decision is binding on all other courts.

Q. 2. Describe in a table what happened in Ravi's case from its first hearing and session court.

Role of witness	Punishment given	Requirement of Ravi's presence
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Answer :

Role of witness	Punishment given	Requirement of Ravi's presence
<p>Ravi gave some of his friends' name as witnesses on behalf of him. Samba and Kranthi also gave some names as witness. Police also named some neighbours as witnesses.</p> <p>Court recorded their statements to investigate the matter.</p>	<p>Ravi was found guilty and sentence to jail for 4 years by Judicial Magistrate.</p> <p>Then he appealed to Session court and Session court reduced the term to 3 years.</p>	<p>Judicial Magistrate requires the presence of the Ravi and witness.</p> <p>In Session court, Ravi presence was needed only in some of the hearings.</p> <p>High court does not summon Ravi to be present in the court.</p>

Q. 3. In the context of differences between a criminal and a civil case write a sentence each about (a) punishment and jail; b) government lawyers; c) filing FIR.

Answer : (a) In criminal cases, an accused can be sent to jail and fined too if he is proved guilty.

In civil cases, offended person is provided relief by paying his dues or some other instalment.

(b) In criminal cases, public prosecutor is provided to the offended person who is a lawyer of government and present the true facts.

In civil cases, offended and accused both have to hire their lawyers themselves.

(c) In criminal cases, an FIR is lodged by offended in the police station.

In civil cases, a petition have to be filed before the court by offended.

Q. 4. Can the Session's or District court change the decision of a High Court?

Answer : No, Session and District courts are lower courts of a state. High Court is the highest court in the state. A person appeals to High Court if he is not satisfied with the judgement of the lower courts i.e. Session or District courts. High court can change the decision of Session or District courts based on the evidences and witnesses, but these lower courts cannot change the decision of High Court. High court's decision can be changed by Supreme Court.

Q. 5. If someone is not satisfied with the decision of a Session's court, what can he/ she do? If she/ he is dissatisfied with the decision of High Court, what can be done?

Answer : If someone is not satisfied with the decision of a Session's court, he/she can appeal to the High Court regarding the case. High courts does not summon accused or witness before it. High court's decision is binding on Session court.

If she/he is dissatisfied with the decision of High Court, he/she can appeal to the Supreme Court as it is the court of final appeal. It is situated in New Delhi, capital of India. It is the highest court of the country.

Q. 6. What are the differences between the role of the S.H.O. and the magistrate?

Answer : S.H.O. or Station House officer is the head of the police station in a town or city. An FIR in a police station is addressed to the SHO of the police station. His signatures are necessary to enter a complaint into the register of the police station.

The Magistrate has the judicial powers who administers the law in a town or city. After FIR is lodged into the police station, police investigate about the complaint and summon the accused in front of judicial magistrate.

Q. 7. In your view, what should have been the verdict in Ravi's case?

Answer : In my view, Ravi should have been given a chance to compensate his wrong deeds. Its sentence should be reduced to 1 or 2 years, but a fine should be imposed to compensate Samba's injury and his expenses. Further the amount that Samba paid for the plot to Ravi should be returned to him.

Q. 8. A person confessed his crime at the police station and the police locked him in jail for 6 months. Is this the correct procedure? Explain your answer.

Answer : No, This is not the correct procedure. As the right to give punishment is only with the judges of the respective courts. Correct procedure should have been that an FIR should have been lodged by the police with its confession statement. Then he should be presented for the trial in the court and investigate the court. Now court will decide the further proceeding and judgement.

Q. 9. Can you identify different roles of the Executive and Judiciary given in this chapter?

Answer : Indian constitution separates the power and roles of Executive, Legislative and Judiciary. It is one of the main features of constitution. In this chapter, police has performed the executive part and courts are part of judiciary. Their roles are very different to each other. Police maintains the law and order in the district or city. It is the duty of the police to catch the criminals and reduce the criminal activities. Whereas Judiciary checks the validity of accused to be guilty or not with the help of evidences and witnesses investigated by the police. If found guilty, he sentence jail or fine or both to the criminal.