

A Study of Significant of Constitutional Rights Towards Criminal Trial with Crime

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Abstract

The procedure include evidence collecting, witness examination, accused questioning, arrests, protections and procedure to be followed by police and courts, bail, the criminal trial process, a method of conviction, and the accused's right to a fair trial based on natural law principles. In a criminal trial, a jury evaluates the evidence to determine whether the defendant committed the offence "beyond a reasonable doubt." A trial is an opportunity for the government to present its case in the hopes of getting a "guilty" decision and the defendant's conviction. A trial also gives the defence the opportunity to challenge the government's evidence and, in some situations, to submit its own. Following the presentation of both sides' arguments, the jury deliberates as a group on whether to find the defendant guilty or not guilty of the charged crime(s).

Keywords: *Constitutional Rights, Criminal Trial, Crime, Witness Examination, Government's Evidence.*

1. INTRODUCTION

As summarized in this introduction, *Murdering Animals* crisscrosses the intersections of animal rights ideology, criminology, and the history of the artistic and performing arts. It is the first work in any area to suggest that if a human killing an animal is as harmful to her as homicide is to a human, then the appropriate naming of such a death—'theriocide'—offers a tiny answer to the general preference for human lives above those of other animals. Unless the focus is on writing, painting, poetry, or a play, each chapter covers the slaughter of animals by humans, unless the focus is on Chap., which recounts the homicide of a father presumably twice by his son. Though each chapter can stand on its own, I don't think it's too far-fetched to claim that each also leads into the next and dissects the others at key places.

India has traditionally prided itself on being the largest democracy on the planet. However, it is not inaccurate to assert that democracy entails responsibilities, one of which, among many others, is openness and responsiveness, both of which have been highlighted as significant drivers for democratic advancement. A democratic regime cannot work without a well-informed public and a transparent administration. As Abraham Lincoln famously declared, "government of the people, by the people, and for the people" is the master of any democracy. The Preamble of the Indian Constitution begins with the words "We the People." The term transparency is defined principally by two principles: public agency disclosure and people's ability to request information, both of which have been realised as a result of many participants' active participation in moving towards a responsive and transparent democracy.'

It's also important to recall that, according to Montesquieu's vision of separation of powers, the court plays a critical role in every democracy due to the power it has to administer justice. Constitutional principles are realised by the constitution's guardians, who, as predicted by the constitution's authors, are also caretakers of the citizens' rights. Prof. K.T Shah, one of the constitution's drafters, said, "This is another approach through which I am seeking to secure the ultimate independence of the judiciary." This means that judges, particularly those on the Supreme Court, will be appointed for life rather than for a set period of time or until they reach a specific age, as is the case in England and, more recently, the United States of America. They should not be afraid of losing their jobs due to official or executive dissatisfaction; they should not be afraid of having to return to their old practise at the bar, or

take up some other occupation that may not be compatible with a judicial mentality, or that may not be in tune with their perfect independence and integrity."

This call to mind Sir Alladi Krishnaswami Ayyar's comment that there are two working principles: One is that the judiciary's independence must be maintained, which may become illusory unless the court has sufficient control over its own apparatus. The judiciary's independence is likely to suffer if the institution seeks favour or promotion from other sources. It must be admitted, however, that the judiciary and its machinery would be forced to pay their allowances and salaries from public funds. The last person who will be affected is the taxpayer. As a result, while the independence of the judiciary must be respected, the interests of taxpayers must also be protected in a democracy.

2. CRIMINAL TRIAL

After a defendant is formally charged with a crime, the matter continues to the criminal trial phase (unless the defendant pleads guilty). The process begins with jury selection, which involves an elimination process in which the prosecuting attorney and defence counsel pick a jury from a randomly selected jury pool. The prosecution and defence attorneys offer their opening statements, present evidence, call witnesses to the stand for testimony and cross-examination, and conclude with their closing arguments once the jury has been chosen. The jury then deliberates for as long as it takes to come to a judgement. This section dives into the principles of criminal proceedings, including the insanity defence.

1. The Right to Counsel

The right to counsel is guaranteed by the Sixth Amendment to the Constitution, but it took decades for this to be interpreted to mean that the court should provide counsel to the poor. Learn who qualifies for a court-appointed attorney, what actions trigger the right to counsel, and how invoking the right to counsel can help you protect your rights before, during, and after a criminal trial.

2. The Right against Self-Incrimination

You've probably heard the phrase "pleading the Fifth" if you've seen a lot of movies or TV shows set in a courtroom. This is a nod to the Fifth Amendment, which provides that no one can be compelled to testify against oneself. In reality, though, the right is more difficult than it appears on television. Learn about the history of the Fifth Amendment, how it is used in court, and other situations where the right to due process may be invoked.

3. The Right to Trial by a Jury of Peers

Despite the fact that the concept of a "jury of peers" trial is older than the United States and well-established in our legal system, it is not mentioned in the Constitution. Unfortunately, it does not mean exactly what it appears to some individuals. A jury of peers does not imply that any of the members of the jury are related to the defendant. Jurors are picked at random from the community, and if the jury is entirely made up of people of a different gender, race, or social status, it is not usually deemed a violation of the right. In this context, "peers" is more accurately translated as "fellow citizens." Learn about jury trials' history, the jury selection process, acceptable and forbidden juror challenges, and other elements that influence jury selection.

4. The Insanity Defense

One of the conditions for conviction in practically every crime is a state of mind that the person committing the crime must be demonstrated to have, ranging from intentional to negligent or careless. Someone suffering from mental illness may act involuntarily, oblivious to the repercussions of their actions or under the mistaken belief that something else is going on. Despite the fact that the insanity defence is rarely used, it has resulted in a variety of tests and legislation that differ from state to state. Learn more about the insanity defence, including how it's handled in different states and how various tests and laws for legal insanity function.

3. WHAT IS A CRIMINAL TRIAL?

A criminal trial is a legal process in which a legal team tries to produce enough evidence to convict a defendant of committing a crime. A prosecutor, or public official, interviews witnesses and provides evidence against an accused person during a trial. The accused is usually given the opportunity to prove his innocence after that. After each side has presented its evidence, a judge or jury will decide whether the accused is guilty or innocent. In most countries, a person accused with a crime has the choice of pleading guilty or not guilty. Many persons who have been charged plead guilty or negotiate a deal with prosecutors. In most democratic countries, an accused person must face a criminal trial. A person accused of a crime typically has the right to legal representation to assist him in proving his innocence.

An accused person in many countries can have his or her guilt or innocence decided by a judge or jury. If he is brought before a court, only one person must choose this choice. When he is brought before a judge and jury, a group of his peers must unanimously decide whether he is guilty or innocent. A jury is normally chosen before a criminal trial begins, and they will sit and observe the entire proceedings.

A jury reviews the evidence in a criminal trial to determine if the defendant committed the crime "beyond a reasonable doubt." A trial allows the government to present its case in the hopes of obtaining a "guilty" verdict and the conviction of the defendant. A trial also allows the defence to object to the government's evidence and, in some cases, to present its own. The jury deliberates as a group on whether to find the defendant guilty or not guilty of the charged crime after hearing both sides' arguments (s).

A complete criminal trial typically consists of six main phases, each of which is described in more detail below:

1. Choosing a Jury
2. Opening Statements
3. Witness Testimony and Cross-Examination
4. Closing Arguments
5. Jury Instruction
6. Jury Deliberation and Verdict

1. Choosing a Jury

With the exception of a few unusual cases that are tried solely by a judge, selecting a jury is one of the first steps in each criminal trial. The court (and, in most situations, the plaintiff and defendant through their attorneys) will question a pool of potential jurors about the case in general, as well as personal ideological predispositions and life experiences that may be relevant to the case, during jury selection. The judge has the right to excuse potential jurors based on their answers to questioning at this time. At this point, both the defence and the prosecution may utilise "peremptory challenges" and "for cause" challenges to disqualify a certain number of jurors.

2. Opening Statements

Following the jury selection, the first "conversation" at trial takes the form of two opening comments, one from the government prosecutor and the other from the defence. There are normally no witnesses called to testify at this stage, and no tangible evidence is offered. Because the government carries the "burden of proof" as to the defendant's guilt, the prosecutor's opening statement is often more detailed than the defenses. The defence may choose to make its opening statement after the government's major argument is finished in specific cases. The opening statements must be presented during that time, regardless of when they are delivered:

- The prosecutor outlines the facts of the case from the government's perspective and walks the jury through what the government will try to prove: what the defendant did, how he did it, and why he did it.

- The defence gives the jury its own take on the facts, as well as the chance to rebut key government evidence and present any legal defences to the charged offence (s).

3. Witness Testimony and Cross-Examination

- Each criminal trial begins with the "case-in-chief," or the stage in which each party presents its major evidence to the jury. In its case-in-chief, the government attempts to persuade the jury beyond a reasonable doubt that the defendant committed the crime. At this point, the prosecutor will call eyewitnesses and experts to testify. The prosecutor may also present physical evidence such as photographs, paperwork, and medical records.
- Whether the government or the defence calls a witness, the witness testimony process normally follows the following timeline:
 - The witness is called to the witness stand and "sworn in," swearing that he or she is telling the truth.
 - The party who called the witness to the stand performs a "direct" examination of the witness, in which the party obtains information from the witness through question-and-answer in order to bolster the party's case.
 - Following direct examination, the opposing party has the opportunity to "cross-examine" the witness, with the goal of uncovering flaws in the witness's story or credibility, or otherwise casting doubt on the testimony offered.
 - Following cross-examination, the party who summoned the witness has a second opportunity to question him or her via "re-direct questions," in an attempt to minimise any bad effects of cross-examination.

4. Closing Arguments

The government and defence can "sum up" the case in the closing argument, just as they might in the opening statement, by examining the evidence in a fashion that favours their respective points of view. Because closing arguments are the last chance for the parties to speak to the jury before deliberations, the government tries to persuade the jury that the evidence requires them to convict the defendant. On the other side, the defence tries to establish that the prosecution has failed to fulfil its "burden of proof," which requires the jury to find the defendant "not guilty."

5. Jury Instruction

After both sides of the case have presented their evidence and given their closing arguments, the next step toward a verdict is jury instruction, which is a process in which the judge informs the jury of the set of legal standards it will require to decide whether the defendant is guilty or not guilty. The judge decides which legal standards should apply to the defendant's case based on the criminal accusations and evidence presented during the trial. Both the prosecution and the defence commonly provide information and arguments during this procedure. The judge next instructs the jury on the important legal ideas that have been decided, as well as the findings that the jury will require to draw specific judgments. The judge also specifies key phrases like "guilt beyond a reasonable doubt" and any other offences the jury may consider based on the evidence presented at trial.

6. Jury Deliberation and Verdict

The jurors assess the case as a group, following the judge's directions, in a process known as "deliberation," in which they try to agree on whether the defendant is guilty or not guilty of the crime(s) charged. Deliberation, a painstaking exercise that can last anywhere from a few hours to many weeks, is the jury's first opportunity to discuss the case. When the jury reaches a judgement, the foreperson informs the judge, who normally announces the decision in open court. In most jurisdictions, a jury must find a defendant "guilty" or "not guilty" in a criminal case

by a unanimous vote. The judge may declare a "mistrial" if a jury in such a state fails to reach a unanimous verdict and comes to a halt (a "hung" jury), after which the case may be dismissed or the trial may be resumed from the jury selection stage.

Types of Criminal Trial

To comprehend the various aspects of trial in India's criminal justice system, we must first comprehend the most fundamental concept of trial. The term "trial" refers to the Court's decision or judicial judgement on whether or not a person is guilty or innocent. The importance of a trial in a criminal case cannot be overstated. The criteria that must be completed before the Magistrate can begin proceedings are outlined in Section 190 CrPC; this statement essentially relates to the Magistrate's ability to take knowledge of a subject. The Magistrate has exclusive jurisdiction under Section 204 of the CrPC to either take the case under consideration or reject it on specific grounds. This factor also influences whether or not a case can proceed to trial.

Mainly, there are four types of trial:

- **Warrant Case-** A warrant case is one in which crimes punishable by death, life in prison, or a sentence of more than two years are investigated. Warrant cases are further separated into two sorts of trials:
- **Cases instituted by a police report-** According to Section 173, a police report is a report that a Magistrate receives from a police officer. Before beginning the trial, the police should submit their report as soon as their investigation is completed and the accused appears before a Magistrate.
- **Cases established other than a police report-** In this scenario, there is no need for a police report or investigation. The Magistrate receives a complaint that has been brought to his attention right away.

❖ Session's case

The Criminal Procedure Code sections 225-237 primarily deal with warrant cases heard by a Court of Session. The accused was found guilty of defamation in the case of *Narotamdas L. Shah v. Pathak Nathalal Sukhram And Anr.*, the witnesses were cross-examined, and the Magistrate determined that the matter should be transferred. The accused requested a re-hearing of the witnesses, to which the Magistrate responded that the accused can only have this right if the case is under trial, and the case in question was still in the investigative stage. The accused's demand When the offence is punishable by death or life imprisonment for more than seven years, the trial must take place in a Sessions court after the matter has been forwarded to the Court by a Magistrate or after the crime has been committed. The warrant cases are handled by Magistrates under sections 238-250 of the Criminal Procedure Code. d, according to the Sessions Court judge, should be dismissed. The Gujarat High Court decided in this case that the trial in warrant proceedings begins when the accused is presented before the Magistrate, rendering the Magistrate's order null and void.

- **Summons cases-** These are crimes that carry a sentence of less than two years, and there is no need to frame charges in these circumstances. Following the discovery of these cases, the Court issues a 'notice' as a material for the allegation and delivers it to the accused. If the charges in summons cases are such that they could be changed into warrant cases in the opinion of the Magistrate for the purpose of serving justice,

In *Gulabjeet Singh & Ors v Ravel Singh*, the question was whether Section 258 of the Negotiable Instruments Act may be applied to actions brought under Section 138 of the Act. Section 258 merely states that proceedings can be suspended only when cases other than complaints are submitted, that this section does not apply if the prosecution has already been created by the State, and that this section does not apply in cases where a private party has filed a complaint. The Himachal Pradesh High Court dismissed the plea.

4. SIGNIFICANT ROLE OF THE TRIAL IN CRIMINAL SYSTEM

When it comes to the country's justice system, one question, or should I say farce, comes to mind: the long and arduous process that frequently results in victim injustice. When we think about delayed justice, the most well-known instance that comes to mind is the Nirbhaya case, in which the tragedy occurred in 2012 and the defendants were hanged to death in 2020. As a result, the issue of what constitutes a fair trial comes up. Is it related to the length of time it takes to conclude a case, or whether the accused is given his rights while in custody, and so on?

Article 22 of the Indian Constitution establishes a fundamental right to free legal assistance for all citizens. (1). It is included not only in the constitution, but also in Section 304 of the Criminal Procedure Code. Section 304 provides for 'legal assistance to accused persons at the expense of the State in certain instances.' Section 304, to put it simply, provides help to the accused. Subsection (1) of this provision specifies that if the accused cannot defend himself through a pleader, the Court shall appoint a pleader to represent him, with the State footing the costs. Sub-section (2) of the section deals with the procedural aspects of appointing a pleader to the accused, such as the method of appointing, the facilities, and so on. It was determined in the case of *Kishore Singh Ravinder Dev v. State of Rajasthan* that the Indian legal system has elaborate arrangements to safeguard the rights of the accused with the goal of preserving his (accused) dignity as a human being and providing him with the benefit of a free, fair, and impartial trial.

The concept of a fair trial has been linked to a number of different ideas, perspectives, and theories. In the case of *Zahira Habibullah Sheikh & Anr vs State of Gujarat*, the principle of fair trial means that justice was served without bias, that a trial was held in front of an impartial judge, and that all parties involved in the case were given a fair chance to present their case. In situations where society has questioned the court system, it is not necessary for the accused to always be accused of the accusations; true and fair justice would be for the accused to be released of charges and justice to be delivered to him/her if the accused was not at fault.

Despite the fact that there is always a conflict of interest between the accused and society, the judge must always apply his own reasoning to the situation and make an appropriate conclusion. The concept of a fair trial is a vast and subjective concept that cannot be reduced to the various laws and judgments outlined in the legal system; everyone has a right to a fair trial, which is constantly growing, and the Courts have contributed to the concept's dimensions.

Investigation of Criminal

An arrest marks the beginning of a criminal case. However, even before the arrest, the law protects the defendant from improper police tactics. The Fourth Amendment protects citizens from illegal searches and seizures by law enforcement officers. Before an officer can search a person or location, a search warrant is normally required, though police officers may lawfully prevent a criminal suspect from entering his or her home while a search warrant is being secured. Police officers do not need a justification to stop people on the street and question them under the Fourth Amendment, and those who are stopped for questioning are completely free to refuse to answer any such questions and go about their business. The Fourth Amendment, on the other hand, prohibits police officers from detaining pedestrians and examining their possessions unless they have a reasonable and articulable suspicion that they are engaged in illegal behaviour. A person who flees on foot from police officers patrolling the streets in an area known for significant drugs trafficking has reasonable suspicion for a stop-and-frisk search, according to the United States Supreme Court. Many other searches and seizures are excluded from the warrant requirement, such as a search following a legitimate arrest; a seizure of things in plain view; a search with the suspect's cooperation; a search after a Hot Pursuit; and a search under exigent or emergency circumstances. The Fourth Amendment does not require police to get a warrant before seizing an automobile from a public site if they have good grounds to believe it is forfeitable contraband.

The Fourth Amendment, on the other hand, forbids the use of excessive force by authorities. Identifying relative degrees of heat within a private property from a public roadway using thermal imaging equipment. These devices are frequently used to determine whether a suspect is using a high-intensity lamp to cultivate marijuana in his or her home. The Supreme Court of the United States has declared that the use of thermal imaging devices is a "search" under the Fourth Amendment, and that its use without a warrant is presumed illegal.

The Supreme Court also ruled that when a state hospital conducted warrantless and nonconsensual urine testing on pregnant women who showed evidence of cocaine use, it was conducting an unconstitutional search. The government's desire to use criminal sanctions to discourage pregnant women from using cocaine does not justify a departure from the standard rule that an official nonconsensual search without a proper search warrant is illegal.

The legitimacy of using fixed checkpoints or roadblocks to conduct warrantless and suspicion less car seizures has shattered the United States Supreme Court's Fourth Amendment jurisprudence. The Supreme Court has held that the Fourth Amendment allows law enforcement to perform warrantless vehicle seizures to catch illegal immigrants at a fixed checkpoint along the country's border, as long as the search is reasonable in light of the "totality of the circumstances." Obstacles can also be used to catch intoxicated drivers, according to the Supreme Court. The Court, however, rejected the use of a roadblock to conduct warrantless and suspicion less searches of automobiles for the purpose of drug interdiction on Fourth Amendment grounds. When an officer requests a search warrant from a court or magistrate, he or she must provide proof. The evidence must be sufficient to show that there is a reasonable expectation of finding criminal evidence at the search location. A level of belief that is stronger than mere suspicion but lower than absolute certainty is known as probable causation. Whether an officer can show probable cause to get a search warrant depends on the facts of the case. A small amount of marijuana found on an arrested person's person, for example, does not justify a search of the person's home. However, if the individual is caught with a large amount of marijuana, the large amount may be used to obtain a search warrant, reinforcing the assumption that more marijuana is hidden in the person's home.

5. CONCLUSION

It is stated that the need for witness protection in India is undeniable; the only concerns remaining are how and to what degree it should be provided. An examination of the various provisions in India relating to witness protection, judicial guidelines, various law commission reports, and other developing and developed nations and international instruments dealing with witness protection leads us to the conclusion that the Indian legal system is mature and ready to adopt and change policies in light of contemporary needs and social development. However, this knowledge is restricted by India's economic status as a developing economy, which means it must prioritise a variety of other serious issues in addition to witness protection. As a result, balancing the tension between these goals while working within available resources to address each of these concerns concurrently is unavoidable. Even while balancing is challenging, it is not impossible. It is past time for the discussions and deliberations in the form of Law Commissions and judicial verdicts to be materialised and implemented without further delay; thus, the research recommends that a comprehensive witness protection programme, a *lexscripta*, be enacted as soon as possible in order to ensure that the Criminal Justice Mechanism undergoes the urgently needed reformation. The judicial rulings, as well as the thoughts and discussions of jurists, reflect the public's desire for a comprehensive witness protection statute. This aim alone will not be enough unless and until it is realised in the form of a comprehensive code that covers all areas of witness protection.

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