



# Newsletter

A Bi-monthly Newsletter of  
The Centre for Excellence in Criminal Law

## Upcoming

- The Centre is coming up with its Journal Issue 1.
- The Centre is organizing an international conference in August. Dates to be announced soon.

## Events Organized

- Webinar on cyber crime investigation: Forensic Stratagems
- Webinar on Aesthesis of victims in the Criminal Justice system: Emerging Trends
- Webinar on Law and Correctional Administration in India amidst COVID-19

## Editorial Board

**Dr. KS Rekh Raj Jain**

**Dr. T. Himavathi**

**Mr. Sumanta Meher**

**Mrs. Charu Modi**

**Anwasha Panigrahi**

## Center Coordinator's Message

The Centre for Excellence in Criminal Law was formed in January, 2020. The Centre for Excellence in Criminal Law forms the pedestal to create awareness about the forgotten issues concerning crime and criminal law. It is seeking to involve all stakeholders including professionals, academic and non-academic member and students to immerse them to undertake extensive research and allied activities for contributing towards various issues pertinent to the criminal justice system. It aims to provide viable forum for discussion on the modern approaches to criminal law. The ultimate philosophy of the centre remains promoting thoughts seeking to make the world a humanitarian place where crime prevention is the ultimate goal and offenders being tackled in a wise manner. The centre strives to extend its philosophy both to the individual and institutional level as their involvement and insights will be pivotal towards the betterment of means of control mechanisms in our society.

## News Item

### Criminal Law LLM

1. ICFAI Law School is introducing LLM in Criminal Law, for postgraduate students. The course will be spread over a two-year period with varied subjects of interest of criminal law enthusiasts. The students will also be encouraged to do research work during the said period.
2. Under the aegis of the Centre for Excellence in Criminal Law, student members will now be given opportunities in events and endeavours taken up by the Centre and pursue their interests in a more focussed manner.

## WEBINARS

### Webinar on “Collection, Recording, Storage and Analysis of Ballistics as Corroborative Evidence”, 27th February 2021

**ICFAI**  
LAW SCHOOL  
HYDERABAD

Centre for Excellence in Criminal Law  
The ICFAI Law School, Hyderabad, E-mail: cenexcrime@iheindia.org

Webinar

**Collection, Recording, Storage and  
Analysis of Ballistics as Corroborative Evidence**

**February 27, 2021**

**Time: 11:00 AM (Indian Standard Time)**

**Speaker**



**Dr. V. Venkateswaralu**  
Assistant Director, Ballistics Division,  
Telangana Forensic Science Laboratory,  
Hyderabad

**Introductory Remarks**



**Prof. A V Narsimha Rao**  
Director  
ICFAI Law School, Hyderabad

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The Centre for Excellence in Criminal Law, ICFAI Law School, Hyderabad had successfully conducted its fourth webinar on 27th February 2021 at 11:00 am. The title of the webinar was “Collection, Recording, Storage and Analysis of Ballistics as Corroborative Evidence” and it was conducted on the Cisco Webex Platform. In the webinar, the Centre had invited Dr. V. Venkateswaralu as a speaker to discuss the lesser-explored world of ballistic evidence and its usage as corroborative evidence. The webinar saw a total participation of around 93 persons from all over the country. The attendees included criminal justice stakeholders like prison officials, police officials, research scholars, academicians and students. As an introduction to the topic, while examination of ballistic evidence is categorised with other forensic evidence, there are more steps to it than mere examination. They form a category in themselves and need to be handled with scientific caution. The evidentiary value of ballistic materials is high and hence, their presentation before the court in a proper manner is of utmost significance. During the webinar, Dr. V.

Venkateswaralu had discussed various procedures which are adopted by the forensic personnel in the course of the collection, recording and storage of the ballistic evidence from the crime scene. He had also discussed various methods through which evidence is analysed by the forensic personnel and drafting of the forensic report. In addition, he had also explained the execution and functioning of various kinds of ballistics.

### Webinar on “Drug Abuse: Trends and Forensic Analysis”, 9th March 2021

The Centre for Excellence in Criminal Law, ICFAI Law School, Hyderabad had successfully conducted its fifth webinar on 9th March 2021 at 3:00 pm. The title of the webinar was “Drug Abuse: Trends and Forensic Analysis” and was conducted on the Cisco Webex Platform. In the webinar, the Centre had invited Dr. V. Gunasheela, Assistant Director of the Telangana State Forensic Science Laboratory (TSFSL), Hyderabad as a speaker to enlighten on the contemporary issues of drug abuse in India and the forensic analysis of narcotic drugs and psychotropic substances for the court proceeding. The webinar saw a total participation of around 99 attendees from all over the country. The attendees included criminal justice stakeholders like prison officials, police officials, research scholars, academicians and students. During the discussion, Dr. V. Gunasheela had enlightened the participants with different types of Narcotic Drugs and Psychotropic Substances which are prohibited by the Narcotic Drugs and Psychotropic Substances Act, 1985. She had also discussed the different effects of those drugs on the human body. Further she had also lucidly explained about the collection, recording and storage of samples of such Narcotic Drugs and Psychotropic Substances. She also discussed different methods by which such samples are analysed by the experts and reports prepared for the court proceedings. At the end of her deliberation, she had also answered the queries made by the participants convincingly.

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Centre for Excellence in Criminal Law  
The ICFAI Law School, Hyderabad, E-mail: cenexcrime@iheindia.org


Webinar

**Drug Abuse:  
Trends and Forensic Analysis**

**March 9, 2021**


**Time: 03:00 PM (Indian Standard Time)**

**Speaker**



**V.R. Gunasheela**  
Assistant Director, TSFSL

**Introductory Remarks**



**Prof. A V Narsimha Rao**  
Director  
ICFAI Law School, Hyderabad

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## Webinar on “Investigation under Criminal Procedure Code - A Prerogative of Judiciary or Police”, 5th April, 2021

**Judges Colloquium Series - 8**

**ICFAI LAW SCHOOL HYDERABAD**  
Legal Aid Cell

**Investigation under Criminal Procedure Code - A Prerogative of Judiciary or Police**

April 5, 2021 4.30 PM TO 5.30 PM (IST)

**Speaker** **Introductory Remarks**

**Hon'ble Sri Justice K C Bhanu**  
Former Judge, High Court of Andhra Pradesh

**Prof. A V Narsimha Rao**  
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**ICFAI Foundation for Higher Education**  
(Deemed to be University under Section 3 of the UGC Act, 1956)  
(Autonomous Institutions, Accredited by UGC with 'A' Grade)

The Centre also organized a webinar in collaboration with the Legal Aid Cell as a part of the Judge’s Colloquium series on the topic “Investigation under Criminal Procedure Code - A Prerogative of Judiciary or Police” by Hon'ble Sri Justice K C Bhanu (Former Judge, High Court of Andhra Pradesh) on 5th April 2021 (Monday) between 4.30 pm to 5.30 pm. The webinar saw participation of students, faculty members and professionals in the field. Justice Bhanu shared his experiences and discussed how the judiciary and police move around and about the Criminal Procedure Code of 1973. He had discussed and thrown light upon the power of the police officers in investigation well within the framework of the fundamental rights guaranteed under the Constitution and also analysed the defects, drawbacks and the impact of investigation on the criminal justice system. He also emphasised on the role of the courts to minimise piling up of cases and for speedy justice.

## CASE LAW

### RECENT JUDGMENTS

#### 1. A comment on **SANJAY KUMAR RAI Vs State of UTTAR PRADESH and another.**

**Decided by full bench of Supreme Court. N. V. Ramana, CJI, Suryakant and Aniruddha Bose JJ LAWS (SC) 2021.5.10.**

**Dr. T Himavathi**

Brief facts of the case are a complaint was lodged by Respondent-2 herein against Appellant {one of the partners in business} alleging malpractices in the gas agency business, the information was secured by invoking RTI Act. Further R-2 held that when he called on appellant therein, the appellant has called on him names and threatened to kill respondent -2 by pumping bullets in his face, so that he may not be recognized. The Chief Judicial Magistrate ordered investigation, and later took cognizance of the matter under sections 504 and 506 IPC, But the appellant opposed that the police did not record the version of his at all and was falsely implicated, without finding out truth and simply took cognizance of complaint. The trial court rejected the discharge application of appellant on ground of sufficient oral and documentary evidence. Aggrieved by this order, appellant filed a criminal revision before High court of Allahabad. The High Court without going into merits dismissed the revision on the ground that interference in the order of framing charges or refusing to discharge is called for in rarest of the rare cases only to correct patent error of jurisdiction. High court held as there is no error in jurisdiction, the criminal revision was dismissed. Totally aggrieved by this order of High court, the appellant challenged the impugned order by a SLP (special leave application) before Supreme court as there is gross abuse of legal process in investigation and recording of Statements u/sec.161 CrPC. The investigation was done with closed mind and did not look into credentials of complainant who was involved in criminal cases.

Supreme court in appeal going through the entire record, police report and statements of witnesses found that the trial court did not sift through the evidence in order to find out whether there are sufficient grounds to try suspect. The court has sufficient discretion to order further investigation, but self fettered. Based on the merits Supreme court, set aside the order of the High court and remanded to lower court for fresh appreciation of the case.

This judgment is of significance because the Supreme court has laid down that Discharge of an accused/suspected is a valuable right and a beneficial provision to save the accused from prolonged harassment .It is a necessary concomitant of a protracting trial. Generally the discharge petitions are not disposed of expeditiously and are kept pending for long periods defeating the letter and spirit of provisions of CrPC.

This judgment makes the lower court to pass a speaking order after sifting through the entire evidence and documents in the case and will stop them from acting as mere 'post office'.

## 2. (SC) 2021 4 18.

**Re: Expeditious Trial of cases under section 138 of N.I.Act.1881 Vs Re: Expeditious Trial of cases under section 138 of N.I.Act.1881 by CJI S.A BOBDE. L.NAGESHWAR RAO, B.R.GAVAI, A.S.BOPANNA and RAVINDRA BHAT**

**A comment by Dr. T Himavathi**

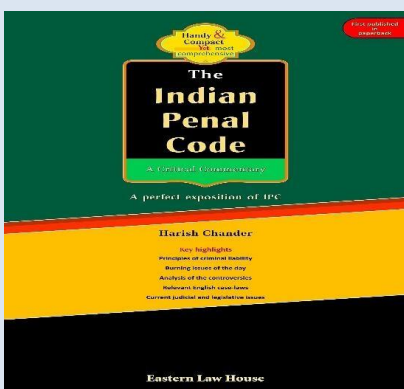
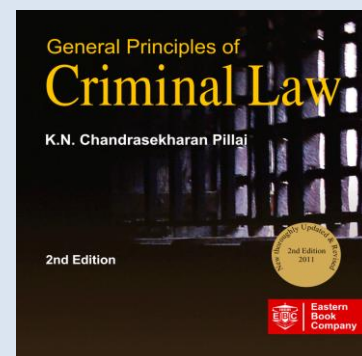
Brief facts of the case: It relates to pendency of two SLPs which pertain to Dishonour of two cheques under sec.138, Negotiable Instruments Act, 1881 pending for the past 16 years. Supreme court has taken cognizance of the same i.e. of pendency of cases and decided to examine the reasons for delay and directed the Registrar to register *suo motu* Writ Petition (Criminal) and also appointed amicus curiae to assist .A report was submitted by *amicus curae* identifying seven major issues for pendency of litigation and more so cases on Dishonour of cheques. The Supreme Court has issued guidelines for speedy disposal of the cases and for arresting the explosion of the judicial docket.

The importance of this judgment is that the guidelines given here in this case go along way for speedy disposal of matters pertaining to sec.138 of NI Act, 1881 like recording of evidence of witnesses may be taken as an affidavit, joinder of charges, more than three in a year etc, The reason being that pendency of complaints, has put in lot of mental agony without any relief for the seekers of justice. Justice delayed is justice denied. Further the directions given therein for expeditious disposal are in the public interest and gives credence to cheques and dispensation of justice.

## NEW BOOKS

### K.N.C. Pillai's General Principles of Criminal Law

A classic work that presents the principles of criminal law through the case method. The 2nd Edition has been thoroughly updated and beautifully designed, in keeping with the existing pattern of the work. The learned author has introduced each topic in the book and then explained it by leading English and Indian cases. The category of uncompleted crimes, often called inchoate offences, also finds a significant place in the book. The book has been published by Eastern Book Company.

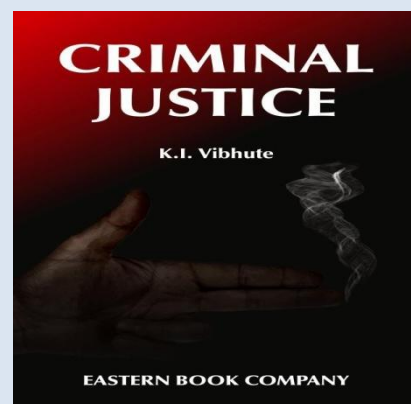


### The Indian Penal Code - A Critical Commentary A perfect exposition of IPC by Dr. Harish Chander

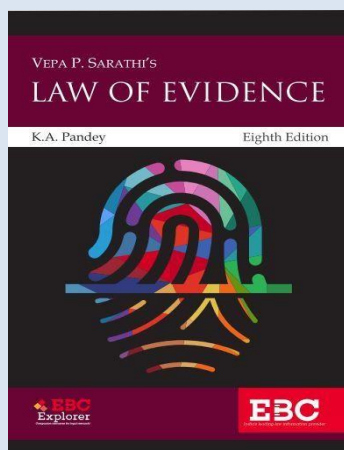
The work analysis the general principles of criminal liability and also the fundamental principles of *actus reas*, *mens rea*, automatism, strict liability, *ignorantia juris non excusat*, causation of crimes, and vicarious liability, etc. A gamut of relevant English case laws is included in support of those concepts. Current judicial as well as legislative issues are also discussed. All the amendments made recently including the Criminal Law (Amendment) Act 213 with comments thereon are incorporated in proper places. The book has been published by Eastern Book Company.

### Criminal Justice: A Human Rights Perspective of the Criminal Justice Process in India by Dr. K.I. Vibhute

The book incorporates thought provoking essays written by scholars from India and abroad endeavours to delve deep into the 'human rights perspective' of the individuals' accused, prisoner and victim of crime' who come in contact with the State, vital State functionaries' the police, prosecution, courts and peno-custodial correctional institutions that are responsible for ensuring 'Criminal Justice'. The book has been published by Eastern Book Company.



### Vepa P. Sarathi's Law of Evidence



A work on the subject that elucidates and makes easy the complicated rules governing the law of evidence in a comprehensible style. While maintaining the beauty of this admired work, the revising author, Dr. K.A. Pandey has updated the current edition of the book with the latest case law and statutory changes which have taken place since the last edition. The unique features of the book are latest case on electronic evidence, Arjun Pandit Rao Khotkar case of October, 2020 is included. The book covers amendments carried out in the Evidence Act, 1872 through the Criminal Law (Amendment) Act, 2018. The book includes two useful appendices. The first appendix discusses whether the Industrial Tribunal is bound by the rules of Evidence Act and the second appendix is devoted to Digital and Electronic Signatures. The book has been published by Eastern Book Company.