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CHAPTER - 1

1.1 Introduction

In criminal jurisprudence, the fair trial of a person requires to give precise information to the accused as to the accusation against him. This is vitally important to the accused in the preparation of his defence. In all trials under the Criminal Procedure Code the accused is informed of the accusation in the beginning itself. In cases of serious offences, the Code requires for the formulation of writing with great precision and clarity. This "charge" is then to be read and explained to the accused person¹.

Charge serves the purpose of notice or intimation to the accused, drawn up according to specific language of law, giving clear and unambiguous or precise notice of the nature of accusation that the accused is called upon to meet in the course of trial².

The initial requirement of a fair trial in criminal cases is a precise statement of the accusation. The code seeks to secure this requirement, first, by laying down in Sections 211 to 214 of CrPC as to what a charge should contain; next, stipulating in Section 218 of CrPC that for every distinct offence there should be a separate charge; and lastly, by laying down in the same section that each charge should be tried separately, so that what is sought to be achieved by the first two rules is not nullified by a joinder of numerous & unconnected charges³.

There are three pairs of sections in the Code of Criminal Procedure, 1973. Those are sections 227 and 228 which relates to sessions trial; sections 239 and 240 relating to trial of warrant cases and sections 244(1) and (2) qua trial of summons case. Even though it is a warrant case or a summons case, the prima facie case must be established before a charge can be framed.

¹ This procedure is followed in trials of warrant cases & trials before courts of session.

² V.C. Shukla v. State through CBI, 1980 Cri LJ 690, 732

³ Sanatan Mondal v. State, 1988 Cri LJ 238 (Cal)

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