

COURSE NAME - LAW
CLASS- B.A.LL.B-6TH SEM
SUBJECT- LAW OF CRIMES-II
TOPIC- SUMMARY TRIAL

By :-GURU DUTT
ASSISTANT PROFESSOR
SARASWATI INSTITUTE OF LAW
PALWAL

SUMMARY TRIALS

1. Summary trial is an abridged form of regular trial and is a short-cut in procedure.
2. Considering the risks involved in such short-cuts, it was considered necessary that only senior and experienced judicial officers should be empowered to try certain petty cases summarily.
3. A summary trial implies speedy disposal and all cases should be tried by the summons procedure, whether the case is summons case or warrant case.
4. No formal charge is framed.

Power to try summarily (Sec-260 to 261):

SEC-260-Notwithstanding anything contained in this code',

any CJM, Metropolitan Magistrate or any first class magistrate specially empowered by the High Court, may, if he thinks fit, try the offence in a summary manner.

SEC-261Further a magistrate of second class may be empowered by the High Court to try summarily any offence which is punishable only with fine or with imprisonment for a term not exceeding 6 months (with/ without fine).

OFFENCE TRIABLE IN A SUMMARY WAY(SEC-260)

The offences are-

- a) Offences not punishable with death, life imprisonment or imprisonment for a term exceeding 2 years.
- b) Theft (Section-379 to 381 IPC) of property not exceeding 2000 rupees
- c) Receiving/retaining stolen property not exceeding Rs. 2000.
- d) Assisting in the concealment/disposal of such stolen property.
- e) Lurking house trespass (Section-454/456 IPC)
- f) Insult with intent to provoke a breach of the peace (Section-504 IPC) and criminal intimidation (Section-506 IPC)
- g) Abetment of any of the foregoing offences.
- h) An attempt to commit any of the foregoing offences, when such attempt is also an offence.
- i) Any offence constituted by an act in respect of which a complaint may be made under section- 20 Cattle Trespass Act 1871.

However, if in the course of a summary trial, it appears to him that the nature of the case is such that it is undesirable to try it summarily, the magistrate may recall any already examined witness and rehear the case afresh.

The summary procedure is to be applied to all offences irrespective of the fact whether any offence is punishable under the IPC or not.

Procedure for summary trials (Sec-262)

All cases should be tried by the summons procedure and no sentence of imprisonment for more than three months can be passed in any conviction.

If the court considers that a longer sentence is necessary in the interest of justice in any case, the trial should be held as in a warrant case or as a summons case according to the nature of the offence. But a sentence exceeding three months cannot be passed in summary trials.

Record in summary trials (Section-263):

- I. serial number of case.
- II. date of the commission of the offence
- III. date of report/complaint.
- IV. name of complainant.
- V. name, parentage and residence of the accused.
- VI. offence complained of, and the offence (if any) proved, and value of the property in respect of which the offence has been committed
- VII. plea of the accused and his examination
- VIII. Finding
- IX. sentence/other final order
- X. date on which the proceedings terminated.

Judgment (Section-264):

In every case in which accused does not plead guilty, the magistrate shall record the substance of the evidence and a judgement containing a brief statement of the reasons for e finding.

Language (Section-265):

Every such record and judgement shall be written in the language of the court and signed by the magistrate.

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