

Criminal Justice System: Stages of Criminal Justice Process

Sruthi. P

Criminal Law and Criminal Justice Administration

School of Excellence in Law, Chennai

Dr. Ambedkar Law University, Chennai

Abstract: *The criminal justice process is a systematic framework established to maintain law and order, protect individual rights, and ensure justice through the investigation, prosecution, adjudication, and punishment of criminal offenses. It consists of several interconnected stages that collectively aim to determine guilt or innocence while upholding the principles of fairness, due process, and the rule of law. The process generally begins with the reporting and detection of a crime, followed by investigation conducted by law enforcement agencies to collect evidence and identify suspects. Once sufficient evidence is gathered, the accused may be arrested and produced before a competent court. The next stage involves the prosecution, where formal charges are framed against the accused, and judicial proceedings commence. During the trial stage, evidence is presented by both the prosecution and Défense, witnesses are examined, and legal arguments are heard to establish the facts of the case. The court then delivers a judgment based on the evidence and applicable law. If the accused is found guilty, the sentencing stage follows, where appropriate punishment is imposed according to the nature and gravity of the offense. The criminal justice process may also include appellate proceedings, allowing higher courts to review decisions to ensure legal correctness and prevent miscarriages of justice. In modern criminal justice systems, rehabilitation, correctional administration, and reintegration of offenders into society form important post-conviction stages. These stages seek not only to punish offenders but also to reduce recidivism and promote social welfare. Throughout the process, constitutional safeguards, human rights protections, and procedural fairness remain fundamental principles. This study examines the various stages of the criminal justice process, highlighting their significance, functions, challenges, and role in ensuring an effective and equitable administration of justice. The research further emphasizes the need for timely investigations, fair trials, judicial accountability, and correctional reforms to strengthen public confidence in the criminal justice system and uphold the ideals of justice in a democratic society.*

Keywords: *criminal justice process.*

I. INTRODUCTION

The criminal justice process is a fundamental component of every legal system and serves as the mechanism through which society responds to crime, maintains public order, and protects the rights of individuals. It encompasses a series of legal procedures and institutional activities that begin with the commission or reporting of a crime and continue through investigation, arrest, prosecution, trial, sentencing, and correctional measures. The primary objective of the criminal justice process is to ensure that offenders are held accountable for their actions while safeguarding the constitutional and human rights of accused persons, victims, and the public.¹

¹ N.V. Paranjape, *Criminology and Penology with Victimology*, 18th ed. (Central Law Publications, 2022), p. 412.



The administration of criminal justice is essential for preserving the rule of law in a democratic society. It operates through various agencies, including the police, prosecution, judiciary, correctional institutions, and probation services, each of which performs distinct but interconnected functions. These institutions work collectively to investigate criminal conduct, determine guilt or innocence, impose appropriate sanctions, and facilitate the rehabilitation and reintegration of offenders into society. An effective criminal justice process not only deters criminal behaviour but also promotes public confidence in the legal system.²

The stages of the criminal justice process are carefully designed to ensure fairness, transparency, and accountability. The process generally begins with the reporting or detection of a crime, followed by police investigation to gather evidence and identify suspects. If sufficient evidence exists, the accused may be arrested and brought before a court. Subsequently, formal charges are framed, and the prosecution presents its case during the trial. The court evaluates the evidence and legal arguments before delivering a judgment. Upon conviction, the offender may be subjected to sentencing, imprisonment, fines, probation, or other corrective measures. The process may also include appeals and review mechanisms to rectify judicial errors and ensure justice.

In India, the criminal justice process is governed primarily by the Constitution of India, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Nyaya Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023, along with various special statutes. These laws establish procedural safeguards intended to protect individuals from arbitrary action and ensure that justice is administered in accordance with the principles of natural justice and due process.

Despite its importance, the criminal justice system faces numerous challenges, including delays in investigation and trial, overcrowded prisons, inadequate resources, witness intimidation, and issues relating to access to justice. Addressing these challenges is necessary to ensure that the system remains efficient, fair, and responsive to the needs of society.

This study examines the various stages of the criminal justice process, their legal significance, practical functioning, and the challenges encountered at each stage. It seeks to highlight the role of criminal justice institutions in maintaining social order and ensuring that justice is delivered effectively, impartially, and in accordance with the rule of law.³

II. CRIMINAL JUSTICE SYSTEM

Definition:

The criminal justice system consists of three main parts:

Law enforcement agencies, usually the police

Courts and accompanying prosecution and defence lawyers

Agencies for detaining and supervising offenders, such as prisons and probation agencies.

In the criminal justice system, these distinct agencies operate together as the principal means of maintaining the rule of law within society.⁴

Objectives of a criminal justice system:

The various objectives of the criminal justice system are:

- To punish the wrongdoers.
- Prevent the further occurrence of crime in society.
- Regulate the behaviour and conduct of people, especially criminals.
- Provide relief to the victim.
- Treatment of offenders and their rehabilitation.

² S.K. Verma, *An Introduction to Criminal Law and Criminal Justice System in India* (LexisNexis, 2019), p. 37.

³ V.D. Mahajan, *Jurisprudence and Legal Theory*, 5th ed. (Eastern Book Company, 2016), p. 486.

⁴ K.N. Chandrasekharan Pillai, *R.V. Kelkar's Criminal Procedure*, 8th ed. (Eastern Book Company, 2021), p. 3.



- To create deterrence in the minds of people at large not to indulge in any criminal activity.

Need and evolution of criminal justice systems:

According to Hobbes, man is selfish by nature and can go to any extent for pleasure. As said by Bentham, a person avoids pain and demands to seek pleasure. He is usually moved by his instincts and, in earlier times, there were no regulations and limits to control his conduct. With the increasing population and communities, his interests collided with others' and led to a situation of conflict. Thus, in order to regulate the conduct of a man, a system was needed that could monitor his actions. The development of the criminal justice system is the same as the development of man.

The first stage was when there was no control over his actions and he acted as per his needs and demands. If needed, he could hurt anyone and fulfil his wishes. Then came the second stage, where the territory expanded and the concept of 'state' emerged. At this stage, a ruler ruled the kingdom and other people acted on his behalf. This stage, however, could not handle the conflict of interests, and so the king gave strict punishments based on the theory of eye for an eye and body for a body. This stage was full of revenge and hatred.⁵ When the king still could not regulate the actions of man and there was chaos in society, a need for a proper system was felt. With the advancement of time and development in society, the monarchy was replaced by the aristocracy, which was further replaced by democracy, and the government was thought to have a system to control the rate of crime in each state; hence, the criminal justice system emerged.⁶

III. TYPES OF CRIMINAL JUSTICE SYSTEMS

There are two major types of criminal justice systems in the world. These are:

- Adversarial system
- Inquisitorial system

Adversarial system

This system is followed in common law countries that were once colonies of a particular country. In this system, there is a prosecution advocate and a defence advocate who argue before the court, and the case is decided on the basis of principles of evidence law and procedural laws. The judge decides the case on the basis of arguments between the two counsels evidence shown in court. This system presumes the accused to be innocent until proven guilty beyond a reasonable doubt.⁷

India follows this system because it was once a colony of the British empire and hence called a common law country.⁸ The prosecutor represents the state, as it is presumed that a crime has been committed against the state at large, and so, it is the obligation of the state to provide justice. In this system, both parties are given rights to a fair trial and hearing,⁹ and so justice is delayed.

Inquisitorial system

This system is followed in civil law countries. In this system, the judge can himself investigate the matter and decide the case on the basis of investigation and inquiry.¹⁰ The counsel from each side is present, but unlike in the adversarial system, there is no cross-examination of witnesses. The decision and its accuracy depend on the prudence and skills of

⁵ Sutherland, Cressey & Luckenbill, *Principles of Criminology*, 11th ed. (General Hall Inc., 1992), p. 25.

⁶ K.N. Chandrasekharan Pillai, *R.V. Kelkar's Criminal Procedure*, 8th ed. (Eastern Book Company, 2021), pp. 1–4.

⁷ Andrew Sanders & Richard Young, *Criminal Justice*, 4th ed. (Oxford University Press, 2010), p. 38.

⁸ M.P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis, 2018), p. 126.

⁹ S.K. Verma, *An Introduction to Criminal Law and Criminal Justice System in India* (LexisNexis, 2019), p. 54.

¹⁰ John H. Langbein, *The Origins of Adversary Criminal Trial* (Oxford University Press, 2003), p. 21.



the judge. This trial procedure is much faster in this system, and it is not costly.¹¹ It is less formal, and the determination of justice does not depend on the advocate but on the ability of each particular judge.

IV. COMPARISONS BETWEEN THE ADVERSARIAL AND INQUISITORIAL SYSTEM:

Basis of comparison	Adversarial system	Inquisitorial system
Aim	The aim is to extract the truth by way of arguments between the two counsels from each side on the basis of evidence and witnesses.	The aim is to extract the truth by way of investigation and inquiry by the judge.
Precedents	These are binding and important in a case.	Precedents do not have much importance in this system.
Investigation	It is the duty of the police to investigate the matter and find evidence related to it while the judge delivers justice on the basis of the facts and evidence of each case.	Investigation in this system is done by the judge himself, or he may delegate this duty to government officials.
Trial	There are 2 parties i.e., state and accused. The state is represented by a public prosecutor and the accused by a defence advocate. During the trial, witnesses are examined, cross-examined and then re-examined.	There is no cross-examination and re-examination; witnesses can only be interrogated.
Evidence	The law related to evidence is more stringent and there is a clear distinction between admissible and inadmissible evidence. Hearsay evidence is an exception to the rules of evidence and is inadmissible.	The law related to evidence is liberal and there is no rule of hearsay.
Role of victim	A victim cannot be said to be a party to a case as the state takes cognizance of the case.	The victim himself files the case and is the party to it, unlike the adversarial system where the state takes cognizance of the case.
Courts	In this system, there is a clear hierarchy of courts and they have the power to adjudicate cases.	There are special courts to deal with each matter differently, like administrative courts for administrative matters; constitutional matters are dealt with in different courts, etc.

¹¹ C. Walker, *Comparative Criminal Justice Systems* (Routledge, 2014), p. 67.



Presumption of innocence	An accused is presumed to be innocent until proven guilty, and the prosecution has to prove this beyond a reasonable doubt.	There is no such presumption.
--------------------------	---	-------------------------------

IV. STAGES OF CRIMINAL JUSTICE PROCESS

1. Filing of the First Information Report (FIR):

The process starts with filing an FIR. This is a written document that contains information about the alleged offense and is submitted to the local police station. The FIR serves as the basis for starting the investigation and subsequent legal proceedings.¹²

Lalita Kumari v. Government of Uttar Pradesh

Citation: (2014) 2 SCC 1

Facts:

Lalita Kumari complained that her minor daughter had been kidnapped, but the police refused to register an FIR and instead conducted a preliminary inquiry.

Issue:

Whether registration of an FIR is mandatory when information discloses a cognizable offence.

Judgment:

The Supreme Court held that registration of an FIR under Section 154 CrPC is **mandatory** if the information reveals a cognizable offence. Police cannot refuse to register an FIR in such cases.

2. Investigation and Arrest:

After the FIR is filed, the police conduct an investigation to gather evidence and identify the accused. They visit the crime scene, collect witness statements, and analyse any relevant forensic evidence. If the investigation reveals enough evidence to suggest a person's involvement, the police may make an arrest.¹³

D.K. Basu v. State of West Bengal

Citation: (1997) 1 SCC 416

Facts:

D.K. Basu, a social activist, wrote a letter to the Supreme Court highlighting incidents of custodial violence, torture, and deaths occurring in police custody across India.

Issue:

Whether safeguards were needed to protect the rights of persons arrested and detained by the police.

Judgment:

The Supreme Court laid down specific guidelines to be followed during arrest and detention, including preparation of an arrest memo, informing a relative or friend of the arrest, medical examination of the accused, and maintaining proper arrest records.

3. Filing of Chargesheet:

Once the investigation is complete, the police prepare a chargesheet. This document includes a detailed account of the evidence gathered during the investigation, the charges against the accused, and the names of witnesses. The chargesheet is then submitted to the court, and it forms the basis for the trial.¹⁴

¹² *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1.

¹³ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.



Abhinandan Jha v. Dinesh Mishra

Citation: AIR 1968 SC 117

Facts:

After completing an investigation, the police submitted a final report stating that no case was made out against the accused. The Magistrate disagreed and directed the police to submit a chargesheet.

Issue:

Whether a Magistrate can compel the police to file a chargesheet after an investigation.

Judgment:

The Supreme Court held that a Magistrate cannot direct the police to submit a chargesheet. The decision to file a chargesheet or a final report rests with the investigating agency. However, the Magistrate may order further investigation if necessary.

4. Framing of Charges:

Upon receiving the chargesheet, the court examines the evidence and decides which charges to formally bring against the accused. The accused is informed about the charges and has the opportunity to respond. They can also seek legal representation for their Défense.¹⁵

Union of India v. Prafulla Kumar Samal

Citation: (1979) 3 SCC 4

Facts:

The case concerned whether sufficient material existed to proceed against the accused and frame charges. The court had to determine the standard to be applied at the stage of framing charges.

Issue:

What principles should guide a court while deciding whether to frame charges against an accused person?

Judgment:

The Supreme Court held that at the stage of framing charges, the court is required to determine whether there is a **prima facie case** against the accused. If the materials on record create a strong suspicion that the accused has committed an offence, charges may be framed, and the matter should proceed to trial.

5. Examination of Witnesses and Cross- Examination: During the trial, the prosecution presents their witnesses, who provide their testimonies under oath. The Défense counsel then cross-examines these witnesses to test the credibility of their statements and challenge the evidence presented.¹⁶

State of Kerala v. Rasheed

Citation: (2019) 13 SCC 297

Facts:

The case involved the examination and cross-examination of witnesses during a criminal trial. The issue arose regarding the fairness of trial proceedings and the right of the accused to effectively challenge witness testimony.

Issue:

Whether the right to cross-examine witnesses is an essential component of a fair criminal trial.

Judgment:

The Supreme Court held that cross-examination is a valuable right of the accused and an integral part of the principles of natural justice. It enables the defence to test the credibility, reliability, and truthfulness of prosecution witnesses.

¹⁴ *Abhinandan Jha v. Dinesh Mishra*, AIR 1968 SC 117.

¹⁵ *Union of India v. Prafulla Kumar Samal*, (1979) 3 SCC 4.

¹⁶ *State of Kerala v. Rasheed*, (2019) 13 SCC 297.



6. Presentation of Evidence and Arguments: Both the prosecution and the Défense have a chance to present their evidence and arguments before the court. The prosecution tries to prove the guilt of the accused beyond a reasonable doubt, while the Défense aims to establish reasonable doubt or question the credibility of the prosecution's case.¹⁷

Sharad Birdhichand Sarda v. State of Maharashtra

Citation: (1984) 4 SCC 116

Facts:

The accused was charged with the murder of his wife by administering poison. Since there was no direct evidence, the prosecution relied mainly on circumstantial evidence to establish guilt.

Issue:

Whether a conviction can be based solely on circumstantial evidence and what standards must be satisfied.

Judgment:

The Supreme Court held that a conviction based on circumstantial evidence is valid only when the circumstances form a complete chain pointing exclusively to the guilt of the accused and exclude every reasonable hypothesis of innocence. The Court laid down the famous "**Five Golden Principles**" (**Panchsheel**) of circumstantial evidence.

7. Closing Arguments and Judgment:

After the presentation of evidence and arguments, both parties make their closing statements summarizing their positions.¹⁸ The judge carefully considers all the evidence, arguments, and legal aspects of the case before delivering the final verdict. The judgment can result in the acquittal or conviction of the accused, followed by the imposition of an appropriate sentence.

Kali Ram v. State of Himachal Pradesh

Citation: (1973) 2 SCC 808

Facts:

The accused, Kali Ram, was charged with offences under the Arms Act. The prosecution's evidence contained inconsistencies and failed to conclusively establish the guilt of the accused.

Issue:

Whether an accused can be convicted when there is reasonable doubt regarding his guilt.

Judgment:

The Supreme Court held that if two views are possible on the evidence presented, the view favourable to the accused must be adopted. The Court reaffirmed the principle that an accused is presumed innocent until proven guilty beyond a reasonable doubt.

8. Appeal and Revision:

If any party is dissatisfied with the judgment, they have the right to challenge it by filing an appeal. Higher courts, such as the High Court or the Supreme Court, review the case to determine if any errors or miscarriages of justice occurred. Additionally, the aggrieved party may also file a revision petition for the higher court to review the legality, regularity, or propriety of the lower court's decision. Criminal trials in India follow a structured process to ensure fairness and justice. From filing an FIR to the final judgment, each step is important in examining the evidence, questioning witnesses, and presenting arguments. The Indian legal system emphasizes the principle of "innocent until proven guilty," and aims to conduct trials in a transparent and impartial manner.¹⁹

¹⁷ *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116.

¹⁸ *Kali Ram v. State of Himachal Pradesh*, (1973) 2 SCC 808.

¹⁹ *K. Chinnaaswamy Reddy v. State of Andhra Pradesh*, AIR 1962 SC 1788.



K. Chinna swamy Reddy v. State of Andhra Pradesh

Citation: AIR 1962 SC 1788

Facts:

The accused was acquitted by the trial court. The High Court, exercising its revisional jurisdiction, interfered with the acquittal and ordered further proceedings. The matter reached the Supreme Court to determine the scope of revisional powers.

Issue:

Whether a High Court can exercise its revisional jurisdiction to interfere with an order of acquittal and under what circumstances.

Judgment:

The Supreme Court held that revisional powers should be exercised sparingly and only in exceptional cases where there is a glaring defect in procedure, manifest error of law, or a miscarriage of justice. Revision is not intended to function as a substitute for an appeal.

V. CONCLUSION

The criminal justice system is a system that controls the functioning of institutions like the police, prisons, courts, etc., that work towards granting justice to the victim. It is the duty of the state to maintain peace and harmony in society, and this can only be achieved with the proper implementation of laws and the effective criminal justice system of a country. The criminal laws in India were majorly enacted by the British East India Company, but after a lot of amendments were made to the laws.

With the advancement of time and technology, new crimes like organised crimes, white collar crimes, cyber crimes, etc. are increasing, and the government feels the need to reform the justice system to deal with such offences. As a result of this, various committees set up by the government gave various suggestions and recommendations. But still, the condition has not improved. Courts are still suffering from pressure due to the pendency of cases, which is a result of the shortage of judges. It is perceived by the public that the police force is under the influence of politicians, and corruption has made them ineffective in fulfilling their duties.

Instances of custodial rapes and deaths are increasing day by day. This creates fear in the minds of the public. Prisons witness a situation of overcrowding and prisoners suffer from inhuman and degrading treatment. The recommendations of various committees are on paper but not implemented properly. There is a need to solve all the issues and fill the gaps in the criminal justice system in India in order to provide fair justice.

REFERENCES

- [1]. <https://www.thehindu.com/data/data-70-prisoners-in-india-are-undertrials/article32569643.ece>
- [2]. <https://www.clearias.com/criminal-justice-system-india/>
- [3]. <https://globcci.org/wp-content/uploads/2021/07/Criminal-Justice-System-in-India-2013.pdf>
- [4]. <https://www.mha.gov.in/sites/default/files/PoliceReforms%28E%29181013.pdf>
- [5]. <https://bprd.nic.in/WriteReadData/userfiles/file/5261991522-Part%20I.pdf>
- [6]. https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms
- [7]. http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S000020LA/P000841/M010097/ET/

