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INVESTIGATION AND TRIAL: EXAMINING PROCEDURAL DIFFICULTIES IN THE INDIAN CRIMINAL JUSTICE SYSTEM

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Abstract:

This study investigates the procedural difficulties encountered during investigations and trials in the Indian criminal justice system. It underscores essential problems like postponements, insufficient gathering of forensic evidence, worries regarding witness protection, and suboptimal evidence presentation. The effects of these challenges on the provision of justice are examined, along with possible remedies such as the incorporation of technology, witness protection initiatives, and training for law enforcement and judicial personnel. With reference to relevant provisions of the Criminal Procedure Code (CrPC) and Bharatiya Nagarik Suraksha Sanhita (BNSS), the paper emphasizes the importance of tackling these procedural challenges in order to ensure effective justice delivery.

Keyword:

Indian Criminal Justice System, Procedural Challenges, Investigation, Trial, Delays in Justice, Forensic Evidence, Witness Protection, Technology Integration, CrPC (Criminal Procedure Code), BNSS (Bharatiya Nagarik Suraksha Sanhita), Justice Delivery, Law Enforcement, Judicial Reforms.

Introduction:

There are considerable difficulties in investigation and trial processes within the Indian criminal justice system, which obstructs the efficient provision of justice. The system suffers from a number of serious problems, including delays, poor collection of forensic evidence, worries about witness protection, and ineffective presentation of evidence. As a result of these challenges, victims and their families endure extended suffering, wrongful convictions occur, and public trust diminishes. When there are delays in the investigation and trial, evidence can

be lost, witnesses can be tampered with, and justice can be compromised. Insufficient collection of forensic evidence can undermine the prosecution's case, and issues related to witness protection can result in witnesses becoming hostile. The trial process can be delayed by ineffective presentation of evidence, which worsens the existing case backlog.

The repercussions of these challenges extend broadly, impacting not just the accused and victims but society as a whole. Justice that is delayed can weaken the rule of law, cause social unrest, and jeopardize public safety. Due to wrongful convictions, innocent people can end up in prison and guilty parties may evade punishment. The framework for investigation and trial procedures is provided by the Criminal Procedure Code (CrPC) and Bharatiya Nagarik Suraksha Sanhita (BNSS). Nonetheless, reforms and amendments are necessary to tackle emerging challenges and enhance the system's effectiveness.

The aim of this paper is to analyse the procedural challenges encountered in investigations and trials, as well as to examine possible solutions for enhancing the system. This paper aims to identify key issues and potential solutions by examining the relevant provisions of the CrPC and BNSS. As possible remedies for enhancing the effectiveness of the system, the functions of technology, witness protection programs, and training for law enforcement and judiciary will be examined. This paper seeks to guide policy changes and enhance justice delivery in India by offering insights and recommendations.

Challenges Related to Procedure in Investigation and Trial

There are many procedural difficulties in investigation and trial within the Indian criminal justice system that can undermine the integrity of justice delivery. Some of the main difficulties include.

Holds in Inquiry and Proceedings

In the Indian criminal justice system, delays in investigation and trial pose a major challenge. According to Section 154 of the CrPC, when information about the occurrence of a cognizable offense is provided, the police must register an FIR. The police are mandated by Section 157 of the CrPC to start their investigation within a reasonable time period. Nevertheless, if an inquiry is delayed, this can result in lost evidence, witness interference, and justice being undermined. The Indian Constitution's Article 21 guarantees the right to life and liberty, encompassing the right to a speedy trial.

Insufficient Collection of Forensic Evidence

Another challenge the system faces is insufficient collection of forensic evidence. According to Section 293 of the CrPC, expert evidence—such as forensic evidence—may be presented. Nonetheless, the absence of suitable forensic facilities and qualified staff can result in insufficient evidence gathering, thereby undermining the prosecution's case.

Witness Protection Issues

The justice system relies heavily on witness protection, as witnesses frequently encounter intimidation, harassment, and threats. According to Section 161 of the CrPC, it is necessary for the police to investigate witnesses and document their statements. According to Section 162 of the CrPC, statements given to the police in the course of investigation cannot serve as court evidence, apart from instances where they are used to contradict a witness. Nevertheless, issues regarding witness protection can undermine the reliability of witness testimony.

Ineffectual Evidence Display

Another challenge confronting the system is the ineffective presentation of evidence. Section 243 of the CrPC pertains to witness examination, while Section 244 addresses the production of evidence. According to Section 245 of the CrPC, an accused person may be discharged if no case has been established against them. The absence of adequate training and infrastructure, however, can result in ineffective evidence presentation, thereby prolonging the trial process.

Ineffectual Evidence Display

Another challenge confronting the system is the ineffective presentation of evidence. Section 243 of the CrPC pertains to witness examination, while Section 244 addresses the production of evidence. According to Section 245 of the CrPC, an accused person may be discharged if no case has been established against them. The absence of adequate training and infrastructure, however, can result in ineffective evidence presentation, thereby prolonging the trial process.

Influence of Procedural Difficulties

The Indian criminal justice system faces procedural challenges that can lead to significant consequences, including: Erroneous convictions and exonerations - Justice not served in due time; victims and their relatives endure extended distress - Diminished societal confidence in the justice system - Endangered public safety and security.

Influence and Possible Remedies

In the Indian criminal justice system, procedural challenges like delayed justice have significant effects on the accused individuals, victims, and society at large. When justice is delayed, victims and their families may endure extended suffering, while those accused might spend long stretches in jail, waiting for their trial. This can lead to emotional trauma, financial difficulties, and feelings of despair among those impacted.

In addition, when justice is delayed, it can undermine public confidence in the judicial system, fostering a belief that the system is ineffective or prejudiced. This can lead to significant repercussions, such as a decline in crime reporting and diminished collaboration with law enforcement agencies.

To tackle these challenges, possible solutions encompass the incorporation of technology—like e-filing and video conferencing—to simplify court processes and minimize delays. Technology can facilitate the automation of routine tasks, enhance record-keeping practices, and allow for remote testimony, thereby diminishing the necessity of being physically present in court. This can not only accelerate the trial process but also enhance the overall efficiency of the justice system.

Another possible approach is to establish witness protection programs. Witnesses are vital to the justice system, making their safety and security paramount. Programs designed for witness protection can contribute to witnesses' feelings of safety and security, thus allowing them to testify freely without fear of intimidation or harm. In cases that involve organized crime or defendants of significant public interest, this may be especially crucial.

Moreover, offering training for police and judiciary on best practices, forensic science, and human rights can enhance the justice system's efficiency and effectiveness. Training can assist police officers in the proper collection and preservation of evidence, while judges can gain from training on current legal developments and effective trial management practices.

Besides these solutions, other possible reforms consist of raising the number of judges and courtrooms, enhancing infrastructure and facilities, and implementing alternative dispute resolution mechanisms. The Indian criminal justice system can aim to provide timely and equitable justice to all parties involved by putting these solutions into action.

Ultimately, the solution for enhancing the justice system is to tackle the fundamental reasons for delays and inefficiencies. A multi-faceted approach is necessary, involving not just technological solutions but also reforms to the existing infrastructure and training for law enforcement and judiciary personnel. We can establish a justice system that is equitable, efficient, and successfully provides justice for everyone by collaborating.

Conclusion:

The Indian criminal justice system encounters a variety of procedural challenges that affect how justice is delivered. Some of the main problems that must be tackled are: delayed justice, insufficient collection of forensic evidence, worries about witness protection, and ineffective presentation of evidence. These challenges can result in extended suffering for victims and their families, the occurrence of wrongful convictions, and a deterioration of public faith in the justice system.

In order to tackle these challenges, it is crucial to adopt viable solutions like integrating technology, establishing witness protection programs, and providing training for law enforcement and judicial personnel. Technology can aid in expediting court processes, enhancing record management, and facilitating remote testimony. Witness protection programs can provide safety and security for witnesses, allowing them to testify without hesitation. Quality of evidence collection and trial management can be enhanced through training for police and judiciary.

The Indian criminal justice system can strive to provide fair and timely justice to all stakeholders by putting these solutions into action. It can be accomplished by giving priority to the delivery of justice, enhancing infrastructure and facilities, and implementing alternative dispute resolution mechanisms. It is aimed to establish a justice system that is equitable, efficient, and effective in providing justice for everyone.

It is vital to deal with procedural challenges. To protect human rights, foster social stability, and uphold public trust, a justice system must function well. We can build a justice system deserving of the trust it receives by collaborating to tackle these challenges.

To conclude, the procedural difficulties present in India's criminal justice system need to be addressed and acted upon without delay. We can strive to establish a justice system that is more

efficient and effective, providing fair and timely justice to all parties involved, by putting potential solutions into action and focusing on the delivery of justice. Not only will this bolster public confidence in the justice system, but it will also aid in creating a more secure and equitable society.

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