




Framing of Charges in Terrorism Cases

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Learning Objectives



- Follow the principles of natural justice while framing charges
 - Reviewing police report and other requisite documents
 - Deciding whether or not to discharge the accused
 - Hearing both parties before framing the charge
 - Invoke correct legal provisions with right number of counts
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Framing Charges & Fair Trial

- A judge is to decide each case according to an objective evaluation of evidence that is presented and an impartial application of law.

[Hague Memorandum]

- Presumption – innocent until proven guilty

[Art.11, UDHR, 1948]

Basic Principles

- Satisfy all legal conditions to constitute charge (Sec.211, Cr.P.C)[Sec. 234, BNSS]
- Should be written in the language of the court.
- Sufficient notice to the accused (Sec.212,Cr.P.C) [Sec.235,BNSS] – *audi alteram partem*
- Consider possibility of discharge
- Ensure correct number of counts
- One Charge, One Trial
- Same Transaction, Multiple Offences - Same Trial

Contents of a Charge

(Secs. 211 – 213, Cr.P.C, 1973)
(Sec. 234-236, BNSS)

- Name, definition and provision of Offence (Sec.211)
(Sec 234,BNSS)
- Time and place of alleged offence (Sec.212) (Sec 235,BNSS)
- Person against whom offence is committed (Sec.212)
- Manner in which the alleged offence was committed
(Sec.213)(Sec.236,BNSS)

Final Report

- Dr. Janu and Mr. Febra are violent extremists. On 1st October 2022 at 10.00 p.m, they met at Dr. Janu's house in Narnia city, and conspired to commit offences to terrorise people by indulging in wanton killing and destruction of properties. They mobilized funds by pledging their jewels. In pursuance of the conspiracy, on 9th November 2022, Dr. Janu and Mr. Febra went near Hotel Raj Palace at Narnia city, in a car driven by Dr. Janu. Dr. Janu had parked the car opposite the Hotel, and Mr. Febra walked inside the Hotel and planted a suitcase containing RDX bomb. Mr. Febra returned to the car and they hurriedly left the place. In a few minutes the suitcase bomb exploded and killed two persons in the lobby and grievously injured three persons. Properties to the tune of Rs.15 Lakhs were also damaged. Based on a CCTV footage both the accused were arrested. Investigation revealed the conspiracy and the subsequent acts of both the accused. Investigation was completed, sanctions were obtained and final report is filed as above against both the accused for offences punishable under Sections 15, 16, 17, 18, 20, and 40 of the Unlawful Activities (Prevention) Act, 1967, Sections 120B, 302, 307, 326, 436, 449 and 450 of Indian Penal Code, Section 9B of Explosives Act, 1884 and Section 3 of Explosive Substances Act,

1908

The background is a watercolor-style illustration with horizontal bands of color. The top half features warm tones of orange and yellow, while the bottom half transitions into various shades of green. The colors are blended and textured, giving it a soft, artistic feel.

Thank You!