

## National Judicial Academy

**P-1230: Workshop on Criminal Trials in Serious Offences (Online)**

28<sup>th</sup> – 29<sup>th</sup> November, 2020

**Programme Coordinator** : Dr. Sonam Jain and Ms. Nitika Jain, Faculty

**No. of Participants** : 43

**No. of forms received** : 31

<b>I. OVERALL</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
a. The objective of the Program was clear to me	<b>93.55</b>	<b>6.45</b>	-	13. Clear and easy to follow.
b. The subject matter of the program is useful and relevant to my work	<b>90.32</b>	<b>9.68</b>	-	13. Very much useful and relevant to my work.
c. Overall, I got benefited from attending this program	<b>83.33</b>	<b>16.67</b>	-	13. Yes I benefitted and learnt a lot.
d. I will use the new learning, skills, ideas and knowledge in my work	<b>83.87</b>	<b>16.13</b>	-	13. I will try my best to use the new learning, skills, ideas and knowledge in my work.
e. Adequate time and opportunity was provided to participants to share experiences	<b>60.00</b>	<b>30.00</b>	<b>10.00</b>	26. More time would have been helpful.
<b>II. KNOWLEDGE</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	<b>83.87</b>	<b>16.13</b>	-	13. Very much useful and beneficial to my work.
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	<b>77.42</b>	<b>22.58</b>	-	13. Includes relevant case laws and sections in special acts as well as in C.r.P.C, IPC and evidence act.
c. Up to date	<b>82.76</b>	<b>17.24</b>	-	13. Yes

d. Related to Constitutional Vision of Justice	<b>75.86</b>	<b>24.14</b>	-	13. Yes
e. Related to international legal norms	<b>51.85</b>	<b>40.74</b>	<b>7.41</b>	13. Yes
<b>III. STRUCTURE OF THE PROGRAM</b>				
<b>PROPOSITION</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>	<b>Remarks</b>
a. The structure and sequence of the program was logical	<b>83.87</b>	<b>16.13</b>	-	13. Yes logical and helpful.
b. The program was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	<b>83.33</b>	<b>16.67</b>	-	13. Yes.
(ii) Interactive sessions were fruitful	<b>76.67</b>	<b>23.33</b>	-	13. Yes.
(iii) Audio Visual Aids were beneficial	<b>70.37</b>	<b>29.63</b>	-	11. Does not arise. 13. There are moments when the sound is not audible and clear.
<b>IV SESSIONS WISE VETTING</b>				
<b>Parameters</b>				
<b>Session</b>	<b>Discussions in individual sessions were effectively organized</b>		<b>The Session theme was adequately addressed by the Resource Persons</b>	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	<b>79.31</b>	<b>20.69</b>	<b>88.00</b>	<b>12.00</b>
2	<b>75.00</b>	<b>25.00</b>	<b>81.82</b>	<b>18.18</b>
3	<b>78.57</b>	<b>21.43</b>	<b>86.96</b>	<b>13.04</b>
4	<b>78.57</b>	<b>21.43</b>	<b>91.30</b>	<b>8.70</b>
<b>V. PROGRAM MATERIALS</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
a. The Program material is useful and relevant	<b>83.33</b>	<b>16.67</b>	-	13. Yes.
b. The content was updated. It reflected recent	<b>83.33</b>	<b>16.67</b>	-	13. The contents were up to date, relevant case laws

case laws/ current thinking/ research/ policy in the discussed area				cited by resource persons were very informative and helpful.
c. The content was organized and easy to follow	<b>76.67</b>	<b>23.33</b>	-	13. It was clear and easy to follow.

<b>VIII. GENERAL SUGGESTIONS</b>	
1. Three most important learning achievements of this Programme	<p>1. 1. Gained more knowledge regarding appreciation of evidence; 2. Gained more knowledge regarding how to do trial process in serious offense; 3. Gained more information regarding witness protection scheme of 2018.</p> <p>2. Framing of charge, witness protection and victim compensation.</p> <p>3. None.</p> <p>4. 1. Enhancement of knowledge; 2. Be sensitive to the witness and victim; 3. Be sensitive with the litigant under trial accused.</p> <p>5. Framing charge; Burdon of proof; Reverse burden.</p> <p>6. 1. Methods/ ways follower by other states; 2. Knowledge shared by the judges.</p> <p>7. Framing of charge in session's case, appreciation of evidence and victim compensation.</p> <p>8. Very informative, logical and interaction with the legal luminaries.</p> <p>9. 1. Appreciation of evidence in serious criminal offences; 2. Role of judiciary in ensuring victim compensation; 3. Forensic and digital evidence.</p> <p>10. Got many case laws, cleared some doubts and going to impart the suggestions in my judicial work.</p> <p>11. Framing of charge in serious cases viz. Criminal conspiracy; Importance of opening of case by prosecution; Duty of the courts to prevent harassment of witness.</p> <p>12. Importance of provision of opening of case of prosecution. Sensitization about interim compensation to the victims. Sensitization about witness protection and measures regarding that.</p> <p>13. Receiving useful and beneficial knowledge of legal provisions of law as well as case laws by resource persons; Program materials useful and relevant; Overall, the training is very much helpful and I gain a lot of knowledge from all the Hon'ble resource persons.</p> <p>14. None.</p> <p>15. 1. To inform a witness about the Witness Protection Scheme and grant Interim Compensation as State has an obligation to pay compensation to the victim under the scheme; 2. When conviction is based in circumstantial evidence, the proximity of time and area where the accused was with the victim and the manner or sequence of events of the commission of the crime is to be highly considered; 3. Under the Evidence Act,</p>

Prosecution cannot put leading questions in examination-in-chief or reexamination to a witness except with the permission of the Court.

16. 1. Virtual platform is good and suggestable; 2. Judges to deliberate upon, share experiences, insights on contemporary themes like jurisprudence & trial process in serious offences; 3. The programme aims to facilitate the sharing of skills towards better, speedier and quality adjudication in serious offences.

17. The reading material, knowledge & experience sharing of resource persons useful to improve skill very well structure programme. It is impressive how such a vast variety of material covered in such short time frame.

18. The law and the provisions of Cr.P.C.; The discussion under Sec. 223 Cr.P.C. with regard to the framing of charges; The procedure of 313 Cr.P.C.

19. Use of amended provisions of the Cr.P.C., IPC and other schemes as a matter of practice so as to ensure proper administration of justice; Proper understanding of leading case laws and recent judgments is necessary to understand the legislative intent and to do substantial and effective justice; Effort is to be made to provide interim and final compensation victims as mandated under various enactments, as it is not being given in most of the cases. Similarly, due regard is to be given to witnesses as the fate of a case depends on the witness.

20. Through the workshop, I understood very well the main three things; 1. How should the charges be framed in serious offence; 2. What is the procedure for trial in serious offences and what is the role of the judge it; 3. Role of the judge implementing the victim compensation scheme.

21. 1. Beneficial for updating legal knowledge; 2. Beneficial in dealing with frequent problems in file work; 3. Beneficial for improving legal skills.

22. None.

23. 1. Acquired better skill of applying the provisions of Law of Evidence, both in letter and spirit while recording evidence and writing judgements. Got to know the importance of recording evidence adduced in colloquial language; 2. Effective and purposive reading of case laws and their reliance while passing orders and writing judgements; 3. Conceptual clarity of the terms used like charge and importance of framing correct charge in criminal cases.

24. How to evaluate circumstantial evidences; How to deal with the case based on testimony of the witnesses who turned hostile; How to frame charge properly specially in the cases involving conspiracy on a large scale.

25. 1. A trial judge should not be a mere spectator while holding a trial. He should actively & effectively deal with the proceedings so as to ensure fair trial in true sense; 2. A witness who turns up to give evidence before the court being the eyes & ears of the court in order to impart justice has to be treated in descent & respectful manner.

26. Up to date information on victim' scheme, Role of proactive judge and manner of appreciation of evidence.

27. Importance of statement U/s 161, 164, 313 of Cr.P.C.; Importance of forensic evidence; Importance of witness protection.

	<p>28. 1. Appreciation of evidence; 2. Witness protection; 3. Victim compensation.</p> <p>29. 1. Framing of charges; 2. Appreciation of evidence; Witness protection and victim compensation.</p> <p>30. Participant did not comment.</p> <p>31. 1. Appreciation of evidence; 2. Witness protection; 3. Victim compensation.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. All parts of the training programme were good, satisfactory and useful.</p> <p>2. The interactive session.</p> <p>3. All parts.</p> <p>4. <i>Session 2: Techniques and Preparation of Charge in Serious Offences • Framing appropriate charges and ensuring adequate defence for the defendant in trial of serious offence. • Relevant Provisions under CrPC • Burden of proof under the Indian Evidence Act and reverse burden-</i> Regarding witness protection and victim compensation was very useful for me.</p> <p>5. Appreciation of evidence- because every case is depend evidence on record.</p> <p>6. Framing of charges – Reason- Very important aspect for the trial courts.</p> <p>7. All.</p> <p>8. Victim protection. It is need of the hour.</p> <p>9. Appreciation of evidence is most useful as it enables to discharge the duty of the judge in effective and useful manner to meet the ends of justice and also to think in the right perspective.</p> <p>10. Appreciation of evidence by Justice Nagamuthu. It is required on a daily basis.</p> <p>11. Appreciation of evidence-because day in and day out we have to do it while writing judgements.</p> <p>12. Criminal trials, victim compensation and witness protection. It will help in expediting the criminal trials by properly applying the provisions of law. Further the insight is developed regarding striking balance between rights of victims as well as accused. Witnesses are ear and eyes of the court and they be respected. Thus, following the proper procedure and techniques and appreciating the evidence will result in passing good judgments and justice to litigants and thereby it will help increase public confidence in the judiciary.</p> <p>13. Deliberation on legal provisions, relevant and important sections of law by resource persons which has enlighten me a lot and which will help me in my work.</p> <p>14. Valuable speech of Hon’ble Justice Navin Sinha, Hon’ble Justice N. Kotiswar Singh, Hon’ble Justice Deepak Gupta and Hon’ble Justice Sanjib Banerjee. Informative, effective and useful.</p> <p>15. The Witness Protection Scheme, 2018 as it envisages means ensuring protection of life/safety of witnesses in events ranging from providing a police escort to witness up to court room or using audio video means for reveling listening of such witness to steps ensuring anonymity, temporary residence in safe house, providing new identity, violate of witnesses, etc. in extreme cases.</p> <p>16. Framing of charges and appreciation of evidence in serious offences; Witness protection and victim compensation is a new law to be implemented by one and all judges- to create, upheld faith in judiciary among public in the society. It is legal obligation and duty to give protection to the witnesses and to follow victim compensation in each and every case as imperative.</p>

	<p>17. The reading material helpful to better understanding of the concept of different laws. Nice learning experience.</p> <p>18. How to use/collect relevant information and the chain of appreciation of evidence and also the procedure of 313 Cr.PC.</p> <p>19. <i>Session I: Jurisprudence and Trial Process in Serious Offences • Jurisprudence of criminal trial: serious offences • Trial Process in serious offences: Procedural challenges and Sessions trial-</i> Hon’ble Mr. Justice Navin Sinha and Hon’ble Mr. Justice Ashutosh Kumar covered the issue in its entirety and called for delving into the evidence on record by the trial court judges. Reference was made to leading international case laws so as to explain the importance of collection and proper preservation of evidence. Important insights were shared on the factors or tests related to sentencing, including the theory of jus-deserts; and the manner in which courts can avoid delay during trial. It was impressed upon the participants to ensure that the concept of ‘proof beyond reasonable doubt’ is not used as a tool for acquittal. Overall, it was a very insightful and interactive session.</p> <p>20. The each and every part of this training programme is very useful for me, because each and every part of this training programme plays a vital role as the concept of programme presented was so clear and easy to understand.</p> <p>21. Address by Hon’ble Justice Naveen Sinha and Hon’ble Justice Kotiswar Singh Enlightened on sensitivity and victim compensation scheme.</p> <p>22. All the programmes were useful.</p> <p>23. Discussion and interaction part of each session was very useful as it helped us to get clarifications on issues faced in the work. The questions raised by co-participants were quite relevant to all. The Hon’ble resource persons answered the questions quite effectively and convincingly. The whole interaction was cordial and friendly.</p> <p>24. I found the third session to be the most useful session. It dealt with the most relevant topic involved in the day to day functioning each of the criminal court. However, I feel that the forensic and digital evidence should have been dealt with in even more detail.</p> <p>25. Open house interaction between the resource persons &amp; participants was most useful part as it leads to effective solutions of day to day legal problems faced by a trial judge.</p> <p>26. Discussion on hostile witness, protection of witness and role of judges during trial.</p> <p>27. All parts were useful.</p> <p>28. 1. Appreciation of evidence; 2. Witness protection; 3. Victim compensation because as a session judge. We have to face the situation in court.</p> <p>29. None.</p> <p>30. All.</p> <p>31. Appreciation of evidence in criminal trails, The parameters, which is refund to the taken into coordination in serious offences.</p>
<p>3. Which part of the Programme did you find least useful and why</p>	<p>1. The entire training programme was designed in a rational way and the topics discussed were useful and relevant.</p> <p>2. None.</p> <p>3. None.</p> <p>4. Part of forensic and digital evidence is least useful because where there direct evidence is available in the criminal trial then forensic evidence is least useful.</p>

	<p>5. Appreciation of evidence. I think is useful for us- because solid evidence supported by law is the base of every case.</p> <p>6. Witness protection scheme- Reason- So far not implemented.</p> <p>7. Participant did not comment.</p> <p>8. Framing of charge.</p> <p>9. Nothing. All the subjects are very useful.</p> <p>10. No such part.</p> <p>11. None.</p> <p>12. None. Each part of the programme was helpful and essential.</p> <p>13. None.</p> <p>14. Speech of Hon’ble Justice Navin Sinha and also of the Hon’ble Justice N. Kotiswar Singh.</p> <p>15. None.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. Participant did not comment.</p> <p>19. Participant did not comment.</p> <p>20. None of the part of this training programme is least useful since the delivery of the content of this training programme is very appreciable and wonderfully presented and executed.</p> <p>21. None.</p> <p>22. Not any.</p> <p>23. Nil.</p> <p>24. Each part of the programme was equally useful.</p> <p>25. None.</p> <p>26. Witness protection, because I felt this badly needed to improve to do justice.</p> <p>27. All the sessions were helpful n useful.</p> <p>28. All the topics were relevant for trial of serious offences.</p> <p>29. Participant did not comment.</p> <p>30. No any.</p> <p>31. Each &amp; every trial was useful.</p>
<p>4. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. Nil.</p> <p>2. None.</p> <p>3. Next workshop should be physical experience.</p> <p>4. More programmes should be organized time to time to resolve over practical problems.</p> <p>5. No.</p> <p>6. In case of important topics, sufficient time can be allotted for the resource person.</p> <p>7. Nil.</p> <p>8. Participant did not comment.</p>

9. It can serve better by organizing more programmes on useful subjects to deal with day to day proceedings effectively and also by enabling the resource persons to share their experience in practical problems.
10. No suggestions.
11. More such webinars must be organized for us dealing with IPC, Cr.P.C., evidence Act, NDPS Act etc. especially on Appeal/Bail/Revision.
12. Increase the number of like programme.
13. The Academy is doing a remarkable work as it is. It is highly appreciated.
14. Study materials and book published by NJA shared be send to the participant and all judicial official, at least staff comes.
15. Provide/send study materials at least 10 days before the programme so as to enable the participants to go through it thoroughly.
16. All four sessions though virtual are good, progressive, suggestive, though provoking, impressive and imperative to one and all judges.
17. It cover enough that you will have feel for, ended helpful programme.
18. Participant did not comment.
19. Some more time could be allotted to the question answer session so that the participants are able to put their queries before the Hon'ble Resource Persons.
20. I feel no any suggestions required because the NJA has "not left any more unturned" to deliver each and every aspects of this training programme and did a great job.
21. Training programme be sent well in advanced so as to be prepared with queries with respective speakers.
22. Please try to provide the information relating to the programme, schedule, study material etc. in advance and if possible please share the videos of the academic discussion part of the programmes for refreshing ourselves from time to time.
23. Experts in other fields may be involved as resource persons as it would help us to peruse and appreciate expert evidence in a better and suitable manner.
24. The sessions should be more interactive in nature. The sessions should begin with taking inputs form the participants and then the lecture should try encompass all the inputs that the resource persons may find useful.
25. To make the programme more fruitful & effective, advance queries related to the topic may be asked for from the participants & these queries may be circulated in advance to the resource persons.
26. Study material may kindly be send to participants 15 days of workshop.
27. If NJA can supply us the write up of the resource person then it would be more easy a helpful for us.
28. Resumption of physical session instead of audio-video would be more beneficial.
29. Participant did not comment.
30. N.A.
31. In virtual mode training programme more focus should be on informants in connectively so the programme sessions can be conduct and more effective.