Section-I
Answer each question in about 200 words each. Each question carries 5 marks.

1. What do you understand by cognizable offences?

Ans: Cognizable offence means a police officer has the authority to make an arrest without a warrant and to start an investigation with or without the permission of a court. By contrast, in the case of a non-cognizable offence, a police officer does not have the authority to make an arrest without a warrant and an investigation cannot be initiated without a court order. The police can file a First Information Report (FIR) only for cognizable offences. Normally, serious offences are defined as cognisable and usually carry a sentence of 3 years or more.

Cognizable offenses would be severe acts such as murder, rape, aggravated assault, kidnapping. These are the sorts of crimes that Police may act independently to arrest suspects immediately, and so they are authorized to affect the arrest and to mount a further investigation, autonomously of the Court.

The Section 154 in the Code of Criminal Procedure, 1973 of India states:

Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognisable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

2. Distinguish between complaint and FIR.

Ans: An FIR is formal registration of a cognizable offence (in cognizable offences police can arrest without any warrant), in writing, either by a victim, an eyewitness, police itself with or without a police informer (called Mukhbir or paid police informer without mentioning his name) or even by the accused himself if he confesses his offence. It is usually done by the concerned police station in whose jurisdiction the offence was committed but can be done at other places in different circumstances and then transferred back to the concerned police station. It bears a unique number.

A criminal complaint is technically a complaint before a judicial magistrate, in writing, regarding a non-cognizable offence for which an FIR cannot be written technically. For example, criminal defamation u/s 499 IPC. A criminal complaint is the correct procedure. Only court has power to take cognizance and issue arrest warrants, if needed.

An informal information to police is neither FIR, nor a complaint in strict legal sense. It is tenable in a court of law only if it is reduced to be an FIR.

3. What is meant by Anticipatory bail?

Ans: Anticipatory bail is meant to be a safeguard for a person who has false accusation or charges made against him/her, most commonly due to professional or personal enmity, as it ensures the release of the falsely accused person even before he/she is arrested.

To get anticipatory bail the person seeking it, must approach the Court of Sessions or the High Court and citing section 438 of the Criminal Procedure Code as well as giving proper reason, apply for it. If the court, based on a number of conditions and the nature of the case, sees merit in the petition the bail is granted. Hence if and when the person is arrested, he/she will be immediately released on the basis of the anticipatory bail.

Conditions that are taken into consideration by the court when granting anticipatory bail include, but are not limited to:

- The person will make him/herself available for interrogation by the police as and when required by them
- The individual shall not directly or indirectly make any threat, promise or offer any bribe to any person who is connected to the case or knows facts about the case, so as to keep them quiet or to get them to change their report of facts to the court or the police
- An assurance that the person shall not leave India without prior permission from the court

4. Write a note on, "compensating victims of crime".

Ans: Crime victim compensation is a government program to reimburse victims of violent crimes such as assault, homicide, rape, and, in some states, burglary - as well as their families for many of their out-of-pocket expenses. Every state has a crime victim compensation program.

Crime victim compensation programs will generally pay for:

- medical and dental expenses,
- counseling costs,
- funeral or burial expenses, and
- lost wages or support.

www.abhasolutions.in