



## Powers and Hierarchy of Criminal Courts in India

Indian legal system is the largest and complex system in the world. It has various types of courts, tribunals, forums, etc due to its diverse nature, the efficiency of the justice delivery system is high.

The criminal justice system is a system under which the body of Govt. is directed at upholding social control, deterring and mitigating crime or sanctioning those who violate laws with criminal penalties and sanctions.

### Two-Tier System

Trial Courts

District Court

J.M.I class

J.M.II class

Appellate Courts

District Court

High Court

Supreme Court.



## Supreme Court

Established w/ Article - 124

- 1 Oct 1937

28 Jan 1950, SC of India

Motto - Yato Dharmastato Jayah

No of Judges 2021 - 33+1

Art 214

- High Court



Art 231

There can be common high courts  
There are 25 H.C.

2019 - Telangana

2019 - Andhra Pradesh

2019 - J.K & Ladakh.

Calcutta H.C is

oldest - 1862

## District Sessions Court

- Common H.C

Bombay H.C Maharashtra,  
Mumbai & Nagpur, Daman & Diu  
& Goa

Kolkata H.C West Bengal  
& Andaman & Nicobar

Madras - T. Nager &  
Pondicherry

Guwahati H.C - Assam  
Nagaland, Mizoram & Arunachal P.

Kerala H.C - Kerala

Lakshadweep  
Punjab & Haryana H.C

Punjab, Haryana & Chandigarh

## Additional Session Judge



## Assistant Session Judge



Chief Judicial Magistrate  
Chief Metropolitan Magistrate



~~Assistant~~  
Additional Chief J.M.  
Additional M. Magistrate

Judicial Magistrate

I class

II class

Metropolitan Magistrate

Executive Courts - D.M., A.D.M., S.D.M.

## Constitution of Criminal Courts

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Sec-6 of the Code provides for the following four classes of Criminal Courts in every state, namely:

- (1) Courts of session
- (2) Judicial Magistrate of first class & in Metropolitan areas  
Metropolitan Magistrates;
- (3) Judicial Magistrate of Second class
- (4) Executive Magistrates.

These Courts are in addition to the High Courts and other Courts constituted under Crpc.

### Sec-7 Territorial divisions -

Every state is to be a session division itself, or is to consist of sessions divisions.

Every session division may be a district by itself or may consists of districts.

After consulting the High Court, the State Govt may

- (a) alter the limit & number of division or districts.
- (b) divide districts into sub-divisions.

Court of Sessions State Govt  
Sec-9 Shall establish  
S. appointed by H.C.

Subordination of  
Assistant Session Judge  
Sec-10

Court of Judicial Mag.  
Sec-11

Chief Judicial Mag/  
Additional chief judicial  
Mag. Sec-12

Special Judicial Mag  
1 year Sec-13  
by Govt  
requested  
state  
entitled

Local jurisdiction of ~~Judicial Mag.~~  
Judicial Mag. Sec-14

Subordination of J.M.  
Sec-15

exceed one million,  
Metropolitan area  
Sec-8 State Govt by  
notification

Court of Metropolitan Mag  
Sec-16

Chief M.M / Additional  
Sec-17 M.M

Special M.M. Sec-18

Subordination of M.M.  
Sec-19



## Executive Magistrates

Sec-20 State Govt. may appoint.

Special Jurisdiction of  
Executive Magis

Sec-21

Local Jurisdiction of  
E.M Sec-22

Subordination of Executive Magis.

Sec-23

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Public Prosecutors Sec-24 r/w 301 IPC  
302 IPC

State Govt or Central Govt shall - after consultation with High Court - appoint Public Prosecutor or APP.

for conducting any prosecution, appeal or other proceeding on behalf of Central Govt or state Govt.

(4) The District Magistrate shall → in consultation with Sessions Judge

Prepare a [panel] of names of persons,

who are, in opinion fit to be appointed as Public Prosecutor or APP.

(7) - 7 years practice

(8) Special Public Prosecutor - by State Govt  
Central Govt  
not less than [10 year]

2018 - Delhi Govt appointed, Rebecca Mammen John and Vishal as SPP in murder case of Ankil Saxena.

P.M. Sunny vs State of Kerala (1986)

The Govt cannot keep post vacant on the ground of administrative necessity and financial constraints.

### Sec-25 Assistant Public Prosecutors.

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State Govt must appoint, in every district one or more Ass. Pub. Pro., for conducting prosecutions in the Magistrate Courts.

No police officer is eligible for being appointed to this post.

If no P.P. is available the D.M. can appoint any other person to be APP.

If Police officer appointed then that P.O.

- ① not the part of that investigation
- ② not below the rank of an Inspector.

### Sec-25A Directorate of Prosecution- (2005 amendment)

State Govt may establish Directorate of Prosecution.

→ Director of Prosecution & Deputy Dir. Pro.

eligibility - [not less than 10 years] Imp

work → Administrative control of the Head of Home affairs.

→ Vineet Narain vs UOI (1997)

The court stated that there are no limitations or restrictions as to launching of prosecutor or initiation of investigation.

Jitendra Kumar @ Biju vs state (NCT Delhi) 2000  
the H.C of Delhi stated that 'The Public Prosecutor acts on the behalf of the state. They are the ministers of justice who play a pivot role in the administration of criminal justice.'

Retha Murarka vs state of West Bengal (2019)