

MPSC\_Judicial Magistrate\_Preliminary Provisions: Preliminary Provisions in the Code of Criminal Procedure (CrPC) for the Maharashtra Civil Judge (Junior Division) and Judicial Magistrate (First Class) Preliminary Examination The Code of Criminal Procedure, 1973 (CrPC) is the primary legislation governing procedural aspects of criminal law in India. It lays down the framework for investigation, inquiry, trial, and sentencing of accused persons. The Preliminary Provisions of the CrPC, particularly Section 2 (Definitions) and Sections 6-25 (Constitution of Criminal Courts and Offices), form the foundation of understanding criminal procedural law.

1. Preliminary Provisions: Definitions and Interpretations (Section 2 of CrPC) Section 2 of the CrPC provides key definitions and interpretations necessary to understand the procedural aspects of criminal law. These definitions clarify various legal terms used throughout the code. Important Definitions under Section

2: Bailable and Non-Bailable Offences (Section 2

(a)) Bailable Offence: An offence in which bail is a matter of right (e.g., public nuisance, defamation).

Non-Bailable Offence: An offence where bail is granted at the discretion of the court (e.g., murder, rape, robbery). Charge (Section 2(b)) A formal accusation against a person in a criminal case specifying the offence committed. Cognizable and Non-Cognizable Offences (Section 2(c) & 2(l)) Cognizable Offence: An offence where the police can arrest without prior approval of a magistrate (e.g., serious offences like murder, kidnapping, dowry death).

Non-Cognizable Offence: An offence where prior approval of a magistrate is required for an arrest (e.g., cheating, forgery, assault). Complaint (Section 2(d)) An allegation made to a magistrate regarding the commission of an offence but does not include a police report. Inquiry (Section 2(g)) Any legal proceeding by a magistrate before the trial begins. Investigation (Section 2(h)) Procedures carried out by the police or any authorized officer to collect evidence related to a crime. Judicial and Executive Magistrates (Section 2(e) & 2(f))

Judicial Magistrate: A magistrate empowered to try criminal cases and pass judgments. Executive

Magistrate: An official responsible for maintaining law and order, such as a District Magistrate. Offence (Section 2(n)) Any act or omission punishable under the Indian Penal Code (IPC) or any other law. Police Report (Section 2(r)) A report submitted by the police after completing an investigation, also known as a charge sheet. Summons-Case and Warrant-Case (Section 2(w) & 2(x)) Summons-Case: A case relating to an offence punishable with imprisonment of up to two years.

Warrant-Case: A case involving an offence punishable with more than two years of imprisonment. These definitions are fundamental in understanding the procedural requirements and legal implications under the CrPC.

## Summary

- **CrPC Overview:** Governs investigation, inquiry, trial, and sentencing in criminal cases.
- **Preliminary Provisions:** Key definitions (Section 2) and the structure of Criminal Courts (Sections 6-25).

## Important Definitions under Section 2 of CrPC:

- **Bailable & Non-Bailable Offences (2a):**
  - **Bailable:** Bail is a right (e.g., public nuisance, defamation).
  - **Non-Bailable:** Bail is granted at the court's discretion (e.g., murder, robbery).
- **Charge (2b):** A formal accusation against a person.
- **Cognizable & Non-Cognizable Offences (2c & 2l):**
  - **Cognizable:** Police can arrest without magistrate approval (e.g., murder, kidnapping).
  - **Non-Cognizable:** Arrest requires magistrate approval (e.g., cheating, forgery).
- **Complaint (2d):** A report to a magistrate about an offence (excluding police reports).
- **Inquiry (2g):** Legal proceedings by a magistrate before trial begins.
- **Investigation (2h):** Police procedures to collect evidence.
- **Judicial & Executive Magistrates (2e & 2f):**
  - **Judicial Magistrate:** Handles criminal trials and judgments.
  - **Executive Magistrate:** Maintains law and order (e.g., District Magistrate).
- **Offence (2n):** Any act punishable under IPC or other laws.
- **Police Report (2r):** A charge sheet filed by police after investigation.
- **Summons-Case & Warrant-Case (2w & 2x):**
  - **Summons-Case:** Punishment up to 2 years.
  - **Warrant-Case:** Punishment exceeds 2 years.

Understanding these definitions is crucial for interpreting criminal procedural law under CrPC.

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## Quiz Questions

### Question 1:

What is a **cognizable offence** under CrPC?

- A) An offence where police can arrest without magistrate approval ☒
- B) An offence where police need court approval before investigation
- C) An offence punishable with only a fine
- D) An offence that can be tried in a civil court

### Question 2:

Which section of CrPC defines **Bailable and Non-Bailable offences**?

- A) Section 6
- B) Section 2(a) ☒
- C) Section 25
- D) Section 190

### Question 3:

Who among the following is an **Executive Magistrate**?

- A) District Magistrate ☒

- B) Chief Judicial Magistrate
- C) Sessions Judge
- D) High Court Judge

**Question 4:**

What does a **Police Report** under Section 2(r) refer to?

- A) A complaint filed by a private citizen
- B) A report submitted by police after investigation ☒
- C) A magistrate's order for trial
- D) A public notification of an arrest