

2. Constitution of Criminal Courts and Offices (Sections 6-25 of CrPC)

The CrPC lays down a clear hierarchy of criminal courts and their powers. Understanding this structure is essential for aspiring judicial officers.

Hierarchy and Jurisdiction of Criminal Courts (Section 6)

Section 6 of the CrPC defines the various criminal courts in India:

Supreme Court of India (Apex Court)

The highest judicial authority in India, primarily dealing with appeals and constitutional matters.
High Courts

Each state has a High Court with supervisory authority over subordinate courts.
Sessions Courts (Section 9)

Presided over by a Sessions Judge, they hear serious criminal cases (e.g., murder, rape, terrorism).
Can impose the death penalty, life imprisonment, or long-term imprisonment.
Judicial Magistrates (First Class & Second Class) (Section 11-15)

Judicial Magistrate First Class (JMFC): Deals with offences punishable up to three years of imprisonment.

Judicial Magistrate Second Class (JMSC): Can impose imprisonment up to one year and a fine.
Metropolitan Magistrates (Section 16-17)

Appointed in metropolitan areas.
Handle cases similar to Judicial Magistrates.
Executive Magistrates (Section 20-21)

Responsible for maintaining public order (e.g., issuing curfews, preventive arrests).

3. Powers of Criminal Courts (Sections 26-35 of CrPC)

The powers of each court depend on its position in the hierarchy.

Key Provisions Related to Powers of Courts:

Sessions Court (Section 26-27)

Tries serious offences like murder, dacoity, and terrorism.
Can award the death penalty, life imprisonment, and fines.
Magistrate Courts (Section 28-30)

Chief Judicial Magistrate (CJM): Can impose a maximum sentence of seven years.

Judicial Magistrate First Class (JMFC): Can impose imprisonment up to three years.

Judicial Magistrate Second Class (JMSC): Can impose imprisonment up to one year.

Special Jurisdiction (Section 31-35)

Certain courts are given special powers for particular cases (e.g., Special Courts for SC/ST atrocities).

4. Importance of Understanding These Sections for Judicial Service Examinations

The definitions in Section 2 are extensively tested in Preliminary Examinations, often in the form of multiple-choice questions (MCQs).

The hierarchy and powers of courts (Sections 6-25) form a crucial part of judicial decision-making and legal procedure.

Candidates must be able to distinguish between different courts, their jurisdictions, and sentencing powers.

Case laws and landmark judgments interpreting these provisions are also frequently asked in the Mains Examination and Interview.

5. Preparation Strategy for CrPC:

Study the Bare Act: Read the CrPC word by word to understand exact legal provisions.

Use Short Notes & Flowcharts: Summarize key provisions hierarchically for easy revision.

Solve Previous Year Questions: Many MCQs are repeated in judicial examinations.

Refer to Case Laws: Understanding judicial precedents helps in writing answers effectively.

Attempt Mock Tests: Time-bound practice is crucial for Preliminary Exams.

Conclusion

A strong grasp of the Preliminary Provisions (Section 2) and the Constitution of Criminal Courts (Sections 6-25) is essential for cracking the Maharashtra Civil Judge (Junior Division) and Judicial Magistrate (First Class) Examination. These sections form the foundation for procedural law in criminal justice and must be thoroughly understood for success in the exam.

Would you like further details on any specific topics or practice questions related to these sections?

Summary of Constitution and Powers of Criminal Courts (CrPC Sections 6-35)

1. Hierarchy and Jurisdiction of Criminal Courts (Section 6-25)

- **Supreme Court of India:** The highest judicial authority, handling appeals and constitutional matters.
- **High Courts:** Supervisory authority over subordinate courts in each state.
- **Sessions Courts (Section 9):** Handles serious crimes (e.g., murder, terrorism), can impose the death penalty and life imprisonment.
- **Judicial Magistrates (Section 11-15):**
 - **First Class (JMFC):** Can impose up to 3 years of imprisonment.
 - **Second Class (JMSC):** Can impose up to 1 year of imprisonment.
- **Metropolitan Magistrates (Section 16-17):** Function in metropolitan areas with similar powers to JMFC.
- **Executive Magistrates (Section 20-21):** Maintain public order, issue curfews, and preventive arrests.

2. Powers of Criminal Courts (Sections 26-35)

- **Sessions Court (Section 26-27):**
 - Tries major criminal offences like murder and dacoity.
 - Can award the death penalty, life imprisonment, or fines.
- **Magistrate Courts (Section 28-30):**
 - **Chief Judicial Magistrate (CJM):** Maximum sentence of 7 years.

- **JMFC:** Can impose imprisonment up to 3 years.
- **JMSC:** Can impose imprisonment up to 1 year.
- **Special Jurisdiction (Section 31-35):**
 - Special courts handle cases like SC/ST atrocities or economic offences.

3. Importance for Judicial Exams

- Section 2 definitions and court hierarchy (Sections 6-25) are frequently tested in **MCQs**.
- Differentiating courts, their jurisdictions, and sentencing powers is crucial for success.
- Landmark judgments related to these sections are often asked in the **Mains & Interview rounds**.

4. Preparation Strategy for CrPC

- **Study the Bare Act:** Read CrPC provisions thoroughly.
- **Use Short Notes & Flowcharts:** Organize information for easy recall.
- **Solve Previous Year Questions:** Many questions are repeated in exams.
- **Refer to Case Laws:** Understanding judicial precedents is key.
- **Attempt Mock Tests:** Time-bound practice improves accuracy.

5. Conclusion

A clear understanding of **Preliminary Provisions (Section 2) and Criminal Court Structure (Sections 6-25)** is essential for the **Maharashtra Judicial Services Exam**. Mastering these concepts helps in both the **Preliminary and Mains stages** of the examination.

Quiz Questions

Question 1:

Which court has the authority to impose the **death penalty** under CrPC?

- A) High Court
- B) Sessions Court ☒
- C) Chief Judicial Magistrate
- D) Judicial Magistrate First Class

Question 2:

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

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

Question 3:

What is the maximum punishment a **Judicial Magistrate First Class (JMFC)** can impose?

- A) **1 year** of imprisonment
- B) **3 years** of imprisonment ☒
- C) **7 years** of imprisonment
- D) **Life imprisonment**

Question 4:

Which section of CrPC defines the **hierarchy of criminal courts**?

- A) Section 9
- B) Section 6 ☒
- C) Section 30
- D) Section 36