

SPECIAL LECTURE ON

PLEA BARGAINING

A 3D illustration featuring a golden gavel on the left and a white 3D figure sitting on a black thorn on the right. The figure has its hand to its chin in a thinking pose. The background is a blue gradient. At the top, the text "SHOULD I PLEAD GUILTY?" is written in red. Below the figure, the words "PLEA BARGAIN" are written in white. Four diamond-shaped icons (two green, two red) are placed around the central text. The text "Buzzle.com" is visible in the bottom right corner.

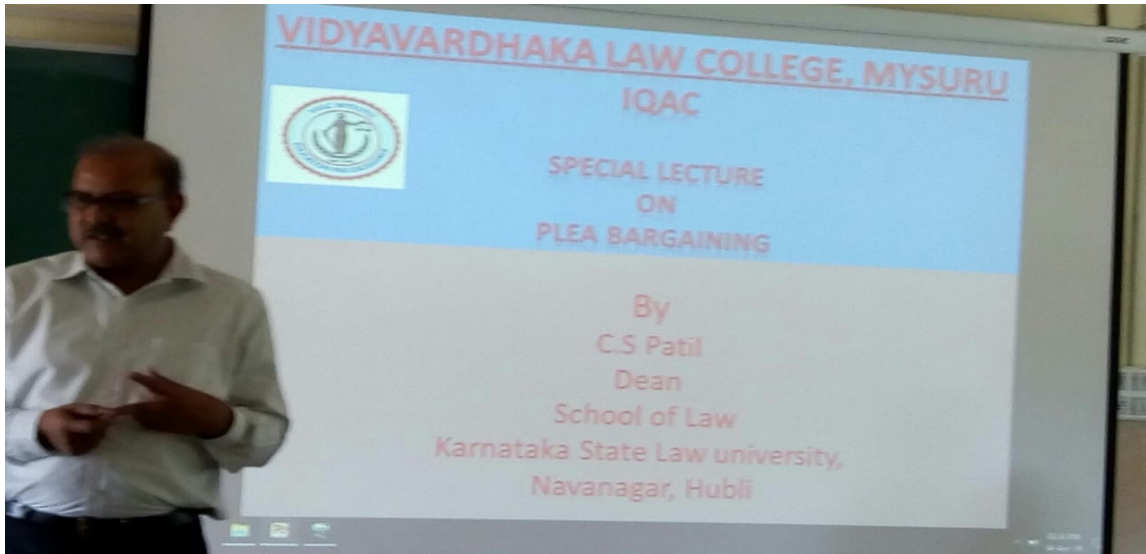
SHOULD I PLEAD GUILTY?

- ◆ Lenient sentence
- ◆ Lesser charges
- ◆ Can be rejected
- ◆ Conviction is certain

PLEA BARGAIN

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On 4th April 2019 at Vidyavardhaka Law College Room No 02 at 11.30am the special lecture was organized, Dr. C.S Patil, Director University Law School, Karnataka State Law University, Navanagar, Hubbli was the resource person. The resource person stated that, Plea Bargaining can be described as a process whereby the accused may bargain with the prosecution for a lesser punishment. In simple words, Plea Bargaining is an agreement (contract) between the accused and the prosecution regarding disposition of the criminal charge leveled by the prosecution against the accused. In layman's language it is bargaining done by charge leveled by the prosecution against the accused. In laymans language, it is bargaining done by the accused of a serious and severe offence, with the authority for a lighter punishment in lieu of a full-fledged trial. 'Plea Bargaining' can be defined as pre-trial negotiations between the accused and the prosecution during which the accused agrees to plead guilty in exchange for certain concessions by the prosecution.



He specifically pointed out under chapter XXIA on 'Plea Bargaining', has been introduced in the Criminal Procedure Code. It was introduced through the Criminal Law (Amendment) Act, 2005, which was passed by the parliament in its winter session. This has certainly changed the face of the Indian Criminal Justice System. Some of the salient features of 'Plea Bargaining' are that it is applicable in respect of those offences for which punishment is up to a period of 14 years. Moreover it does not apply to cases where the offence committed is a socio-economic offence or where the offence is committed against a woman or a

child below the age of 14 years. Also once the court passes an order in the case of 'Plea Bargaining' no appeal shall lie to any court against that order. Now the question is will it work in Indian Judiciary? Do we need this? Are we equipped to deal with this new facet? This article makes an attempt to analyze the concept of 'Plea Bargaining', its necessity, its drawbacks and tries to find out the feasibility of this new idea.

He pointed out that, plea bargaining reduce the delay in disposing criminal cases, the 154th Report of the Law Commission first recommended the introduction of 'plea bargaining' as an alternative method to deal with huge arrears of criminal cases. This recommendation of the Law Committee finally found a support in Malimath Committee Report. The NDA government had formed a committee, headed by the former Chief Justice of the Karnataka and Kerala High Courts, Justice V.S.Malimath to come up with some suggestions to tackle the ever-growing number of criminal cases. In its report, the Malimath Committee recommended that a system of plea bargaining be introduced in the Indian Criminal Justice System to facilitate the earlier disposal of criminal cases and to reduce the burden of the courts. Our Principal Smt. Deepu P presided over this function also teaching staff our college and students were present in this occasion.