PREFACE

Broadly speaking the abridged trial procedure is akin to the continental inquisitorial system of adjudicating the guilt or innocence of the accused, though a thin veil of prejudice in favour of the accusatorial system of trial as it obtains under the common law, inhibits the reckoning of the continental system as an acceptable procedure. Under the Indian law the provisions relating to abridged trial procedure including the plea of guilty, affords an opportunity of clearing the dockets in the criminal courts for petty offences. Nonetheless the basic postulates which govern the combative confrontation in felonious matters imperceptibly creep in, thus reducing the efficacy of a legislative policy which aims at dealing with the trivial offences differently.

The present study was initiated with a view to making an empirical study of the problem of sentencing an accused on the guilty plea or through the use of the abridged trial procedure as provided for the summons cases or summary trials. It was hypothesised that despite the moorings towards the accusatorial system the practice and procedure as they obtain in the lower criminal courts portray a picture which compulsively requires the courts to resort to expediency rather than to conform to the principle of presumption of innocence or the onus of proof being on the prosecution and the like. However, the handicaps and difficulties encountered by the authors in their endeavour to deal with the subject-matter through the collection of objective data are too many to be recounted here, except to remark that a projected attempt to formulate researches on the basis of the authentic records of the lower criminal courts are huddled with too many hurdles.

The present study has been modulated on a theoretical plane, sparsely strewn with some observations which the authors could derive of their own by watching the practice and by interviewing the officials. Care has also been taken to avoid any statement which may be attributed to the subjective feelings alone.

The study has been divided into six chapters. Chapter I relates to the theme of projecting the necessity of an abridged trial procedure for the dispensation of criminal justice in certain limited areas. The investigation is also aimed at pointing out the prevalence of such practice with a view to obviating the prejudices against the inquisitorial character of the abridged procedure coupled with an attempt to refashion the attitude of

common law lawyers towards the diminutive procedure. The latter has been done by pointing out the significant features of the continental procedure alongwith the commonness of the aims of the former and the common law are highlighted. Chapter II is an attempt on the exposition of the shortened mode of trial procedure under the Indian Code. A descriptive account of the warrant trial has been incorporated in such a way that it does not affect the continuity of the theme and the readability of the material. A delineation has been marked whereby the use of abridged procedure is deemed improper. These limitations are largely the byproducts of judicial decisions and compose the contents of chapter III of the study. Chapter IV and V deal with the modalities worked out in the common law countries of the U.S.A., U.K. and India respectively to deal with the issue of adjudicating upon the guilt or innocence of the accused with the aid of abridged procedure. This is followed by concluding remarks in chapter VI. An *appendix* containing relevant extracts and information with a bearing on the subject have also been included.

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