

**Role of charge sheets in judicial
system**

Objectives:-

1. About the charge sheet

2. Inside the charge sheet

3. Roll charge sheet in bail and police remanding

Introduction

Charge sheet is the out come of criminal investigation and a final report prepared by the investigation or law enforcement agencies for Proving the accusation of a crime in a criminal court of law. Charge sheet is an important mechanism which the magistrates scrutinizes and makes a pre- inquiry of it to understand the culpability of the offender in the crime. On the basis of investigation the police are required to move from an opinion . If the police think that the evidence points to the guilty of the accused person, then they filled a charge sheet in the court of law.

About charge sheet:-

1. The provision regarding the report of police officer on completion of investigation are contain in the section 173crpc.
2. After Filed charge sheet the accused will remain in custody and whether the person is guilty or innocent that is for the judge to decide.
3. Before granted charge sheet *bail* Must be only on consideration of merits, except default bail which is under section 167(2) of the criminal procedure code.
4. Without submission of charge sheet within *60 days to 90 days* as may be applicable, an accused Can't be detained by the police.
5. The provision gives due to recognitions to the personal liberty, the order of the court dated 23.03. Means he/ she can released on bail.
6. A charge sheet or Final report prepared by the investigation officers or the law enforcement agencies and on the basis of CrPC 173section charge sheet was filled.
7. In grave offense , the period of falling charge sheet is 90 day days , e.g. Rape, murder, theft ,rubbery etc.
8. In normal offense, the period of filling charge sheet is 60 days ,e.g. abusing, use slang word, pic pocketing , Chain snatching etc. After the charge sheet filling the trials will be started.

Inside the charge sheet

The inside part of charge sheet is very important, it helps to prove that the accused is guilty or not.

1. Name of the accused and identity
2. Copy of FIR.
3. Investigation officer's report and MLC copy.
4. Statement of accused or eyewitness.
5. Personal search memo- things are found from accused.
6. Site plan—(crime scene, crime place and sketch of the site).
7. FSL report.
8. Photography, videography and crime scene documents.
9. Public witness-(CrPC161 section) copy.
10. Copy of police remand.
11. What are the charges against the accused are and when the offense is alleged to have been committed.
12. What act and relevant section Of the act that is alleged to have been breached..
13. The name and signature. Of the informant(police officer) issuing the charge
14. When the matter is listed for hearing on the magistrates court (among the other things).

Roll of charge sheets in bail or police remanding

- If there is no submission of charge sheets within 90 days the accused have right to be released on bail, even if he was previously released for any reason.
- After charge sheet filed no further investigation took place
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- But supplementary charge sheet is filled , if there is some investigation be required after filling main charge sheet.
- After filling the charge sheet , the next procedure will be for the court to take cognizance of the same .A court could also be set up on the bail premises. Once the court is seized the matter, then the judge will issue summons to all the accused. In case any of the accused are on bail, then the summons is issued.
- The bail application can definitely be filled by the accused after submission of charge sheets by the police on completion of their filling of charge sheets, the chances of getting bail generally increase.
- The magistrate reject the application for statutory bail on the ground that it was a case of further investigation after filling the charge sheet and the remand of the accused to judicial custody was under section 309 code of criminal procedure, after police remand came to an end, granted under section 167(2) code.

- Charge sheet or Final can be dismissed by the Magistrate. This is an. Illegal act.
- It is stated that, last time a case saw a very large no of accused was the 1993 Mumbai bomb blast case in which a charge sheet of more than 10'000 pages was filled. The 1st TADA(terrorist and disruptive activities(prevent ion) act) court convicting 100 accused.
- The end of police investigation is filed charge sheet. If there is some confusion then further investigation took place by the permission of magistrates.

Here is some example copy of charge sheets.

24 Jan 2012 12:06 COMMITTALS - 0396287733 No: 8569 P. 4
 Revised 01/10 VY Form 402

CHARGE-SHEET AND SUMMONS

Execution Copy - return to Court after execution
 Magistrates' Court Criminal Procedure Rules 2009 Form 3 Rule 11
 (Consider at addresses and endorsements)
 Unavailable Dates February 2012 / March 2012
 Preferred Dates April 2012

David William OSBORNE
 REDACTED Woolgoolga 2456
 M F Co. Date of Birth REDA 1933

You have been charged with an offence against the law.
 Read these pages to see what you must do.

Registration No. _____ State _____
 Licence No. _____ State _____

Details of the charge against you

What is the charge? 1. The accused at The Basin in the State of Victoria did between the 19th of December 1969 and the 25th of May, 1970 did indecently assault a male person, namely Steven David GRANT

Under what law? State Act Other - Specify _____ Act or Regulation No. _____ Section/Clause (Full Ref.)
 C'Vealth Reg _____ Crimes Act (62/1/1958) Section 68(3)

Type of Offence Summary Offence (You should go to Court) Indictable Offence (You must go to Court)
 Request for committal proceeding No Yes

Are there more charges? No Yes - see "Continuation of Charges" attached

Informant Det.Sen Constable Rohan BODSWORTH 25037 Phone No: 9881 7999
 Agency and Address Knox Crime Investigation Unit 414 Burwood Highway Wantima South 3154
 Fax 9881 7977 Email REDACTED

Informant Signature REDACTED Date 19/12/2011

Where will the case be heard
 Where you must go The Magistrates' / Children's Court of Victoria at Melbourne
 Address 239 William Street, Melbourne 3000 Phone No: 9603 6111
 When Time 9:00 am Day 23rd Month January Year 2012

Details about this summons S 14

Issued at Melbourne Date 19/12/2011
 Issued by: *Jae* JAMIE LONGBURST REGISTRAR OF THE MAGISTRATES' COURT OF VICTORIA
 Charge Filed at Melbourne (Magistrate) (R. BODSWORTH 25037) Emp No _____
 Method of Filing mail / personal *delete inapplicable Date 19/12/2011

Page 1 of 3

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) _____ 2. SSN _____ 3. GRADE OR RANK _____ 4. PAY GRADE _____

5. UNIT OR ORGANIZATION _____ 6. CURRENT SERVICE
 a. INITIAL DATE _____ b. TERM _____

7. PAY PER MONTH
 a. BASIC _____ b. SEA/FOREIGN DUTY _____ c. TOTAL 0.00

8. NATURE OF RESTRAINT OF ACCUSED _____ 9. DATE(S) IMPOSED _____

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE _____
 SPECIFICATION: _____

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial) _____ b. GRADE _____ c. ORGANIZATION OF ACCUSER _____

d. SIGNATURE OF ACCUSER _____ e. DATE (YYYYMMDD) _____

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accused this _____ day of _____, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer _____ Organization of Officer _____
 Grade _____ Official Capacity to Administer Oath (See R.C.M. 307(b), must be commissioned officer) _____
 Signature _____

DD FORM 458, MAY 2000 PREVIOUS EDITION IS OBSOLETE. Reset Adobe Professional 7.0

CHARGE - SHEET AND SUMMONS

Magistrates' Court Criminal Procedure Rules 2009 Form 3 Rule 11

TO THE ACCUSED

Unavailable Dates: _____
 Preferred Dates: _____

M F Co. Date of Birth _____

You have been charged with an offence against the law.
 Read these pages to see what you must do.

Registration No. _____ State _____
 Licence No. _____ State _____

MNI / JAID: _____

Details of the charge against you

What is the charge? 1. _____

Under what law? State Act Other - Specify _____ Act or Regulation No. _____ Section/Clause (Full Ref.)
 C'Vealth Reg _____

Type of Offence Summary Offence (You should go to Court) Indictable Offence (You must go to Court)
 Request for Committal Proceeding No Yes

Are there more charges? No Yes - see "Continuation of Charges" attached

Informant _____ Phone No: _____
 Agency and Address _____
 Email _____ Fax _____
 Informant Signature _____ Date _____

Where will the case be heard

Where you must go The Magistrates' / Children's Court of Victoria at _____
 Address _____ Phone No _____
 When Time _____ Day _____ Month _____ Year _____

Details about this summons S 14

Issued at: _____ Date _____
 Issued by: _____ Registrar _____ Magistrate _____
 Charge Filed at _____ by (member) _____ Police Informant _____ Emp No _____
 Method of Filing _____ Date _____

Thank you everyone 😊