



TAMIL NADU STATE JUDICIAL ACADEMY
HEADQUARTERS, CHENNAI

One-day Training Programme for District Judiciary on
Plea Bargaining, Compounding of Offences and Probation of Offenders Act, 1958
for Swift Disposal of Criminal Cases
19.11.2022 (Saturday)

Event Report

A one-day Training Programme for the District Judiciary on Plea Bargaining, Compounding of Offences and Probation of Offenders Act, 1958 for Swift Disposal of Criminal Cases. Three judges from each District, each of the three judges were from the cadre of District Judge, Senior Civil Judge and Civil Judge were nominated for the programme.



The training programme commenced with the invocation ‘தமிழ்த் தாய் வாழ்த்து’. The welcome address and the scope and objective of the training was delivered by Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. The director welcomed the participants and briefed about

Plea Bargaining, Compounding of Offences and Release of Probation – their importance in effectively reducing the pendency of cases. The Director reiterated that only the person charged for an offence not being death sentence, life sentence

or imprisonment above seven years can only use the scheme under Chapter XXI-A. Further, he spoke about compounding of offences under various legislations to reduce the pendency of cases. He also spoke about releasing the prisoners on good conduct to decrease overcrowding of prisons.



The first working session was on the topics – Identification of cases for disposal through Plea Bargaining and Effective implementation of Plea Bargaining. The resource persons were Mr. A. Abdul Kadhar, Principal District Judge, Pudukkottai and Ms. S. Padma, III Additional District Judge, Coimbatore. The main focus areas were Identification of cases pending at pre-trial stage, evidence stage, and where accused is charge sheeted, or charged with offences with a maximum sentence of seven years imprisonment, disposing cases under Chapter XXI-A, CrPC and Exploring the possibility of plea bargaining.

The resource persons started with the meaning, evolution and development of plea bargaining. Plea Bargaining in the United States was discussed first and further, the resource person spoke about the concept of Plea Bargaining in various other countries. Foreign Judgments such as, *Brady Vs. United States*, *Santobello Vs. New York* were also discussed. The resource persons then moved to the concept of Plea Bargaining in India. They started off with the background of Plea Bargaining prior

to 2005 and the amendment to Criminal Procedure Code, 1973 which inserted Chapter XXI – A.



The resource person said that, the request of plea bargaining can be initiated only at the stage of cognizance taken by the court. Further it was said that Plea bargaining can be used in case of offenses other than the offenses for which the punishment is more than 7 years. The Doctrine of *nolo contendere* was discussed and it was said that, the defendant who pleads *nolo contendere* submits for a judgment fixing a fine or sentences the same as if he or she had pleaded guilty. The resource persons also discussed several caselaws pertaining to Plea Bargaining

such as, *Mallikarjun Kodagali (Dead) v. The State Of Karnataka*; 2019 (2) SCC 752, *Murlidhar Meghraj Loya v. State of Maharashtra*; AIR 1976 SC 1929, *Kasambhai Abdul Rehman Bhai Sheikh v. State of Gujarat*; (1980) 3 SCC 120, *State of Maharashtra and another v. Najakat Alia Mubarak Ali*; 2001 (6) SCC 311, to name a few.



After a short tea break, an interactive session was moderated by the Director of the Tamil Nadu State Judicial Academy, Mr. D. Lingeswaran. He began with the problems in identifying the cases relating to plea bargaining. He said that plea bargaining cannot be claimed for certain kinds of offences such as offences against women and children, economic offence, etc. Queries relating to Plea Bargaining and Disposing cases under Chapter XXI-A, CrPC were asked by the participants and were duly answered by the resource persons and the moderator.

The post- lunch session was on the topics; Effective utilization of Compounding in criminal cases and promoting the application of Probation of Offenders Act, 1958. The resource person for this session was Mr. R. Shanmuga Sundaram, District Judge, Karur. The resource person thoroughly dealt with the topics. He started off with Compounding of offences under section 320 of the Criminal Procedure Code. He listed out the sections under the Indian Penal Code which can be compounded.



Further, the resource person explained that, The Probation of the Offenders Act, 1958 excludes the application of Section 360 of the Code of Criminal Procedure, 1973 whenever the Act is applied. Section 3 to Section 12 of the Probation of the Offender Act, 1958 deals with the procedures of the court to deal with the release of the offenders. He then spoke about Section 3 of the Probation of the Offenders Act, 1958 deals with the power of court to release the offender after admonition. The resource person also spoke about cost and compensation and releasing of offenders below the age of 21 years. Moving on, the resource person was posed with various doubts and queries which were addressed by him.



After a short tea break, the next session was on the topic, Effective Reformation, Rehabilitation and Reintegration: Pattam – Paravai Project by Mr. Ravikumar Paul, Senior Advocate / Managing Trustee, Prism. The resource person, explained in detail about Reformation, Rehabilitation and Reintegration with the help of Pattam – Paravai Project. He spoke about the offenders between the age of 18-30 years, who were first time offender and he said that these offenders can be easily reformed and rehabilitated. He spoke about some of the major factors influencing criminal behaviour such as, Poverty and Social inequality, Negative Social Environment, Peer Pressure, Low educational attainment, Need for identity and Low self-esteem, Adverse Childhood experiences and Substance Abuse. He also spoke about the ill effects of incarceration of the first-time offenders. Further, the resource person said that Pattam is a programme designed by PRISM and an initiative of the Tamil Nadu State Legal Services Authority and the Department of

Prison and Correctional Services introduced, initially in the Sub jail, Saidapet and inaugurated in the Central Prison 2 Puzhal on 13th April 2019 and w.e.f 2.10.2021 in all the Central Prisons. He then said that Paravai is a pilot project of the Greater Chennai Police for reformation, rehabilitation and reintegration of young, first time, petty offenders with TNSLSA, Department of Prisons & Correctional Services, Social Defence and Employment & Training and Institute of Mental Health, coordinated by PRISM.



The programme concluded with Recap and Concluding Remarks Mr. K. Seetharaman, Additional Registrar (Inspection), High Court of Madras. He once again briefed on effective utilization of Plea Bargaining, compounding of offences and releasing the offenders on probation. He also reiterated to make use of the Pattam – Paravai project efficiently.
