

CRIMINAL LITIGATION

Responsible Faculty Instructor:
Aditya Agrawal [aagrawal1@jgu.edu.in]
Assistant Professor

Credits: 4

Credits Type:

Cross-registration: No

Pre-requisites: Nil

COURSE DESCRIPTION (COURSE VISION):

Criminal Litigation offers a bit of enigma, unpredictability and understanding of practical realities. Reading these statutes in the confines of lecture halls limits the learner to a purely academic dissection of the law, devoid of the true essence of criminal litigation which is full of ambiguity in the context of an Indian courtroom. Every advocate engaged in practice would tell you that trials are more than statutes as it involves- hostile witness persuasion, facing sceptical judges and adopting personal quirks and strategies for every courtroom.

The design of the proposed Criminal Litigation Course will take 14 weeks and integrate classroom teaching with hands-on practice. The course will start with a brief introduction to BNS, BNSS, and BSA with emphasis on portions which have been altered as compared to the old ones and procedures of FIR, arrest and Complaints. The next modules will focus on practical competencies of drafting bail applications, charge framing, witness cross-examination, and electronic evidence presentation. Courtroom perspectives will be shared through guest lectures by experienced advocates, public prosecutors, and judges regarding their approaches to the courtroom and what they expect from advocates. Mock trials based on actual cases will also be a part of the course; students will engage in simulations of a trial under the BNS and bail hearings under the BNSS. Students may participate in District Court visits where they will observe court sessions, followed by debriefing sessions to critique the enactment of legal provisions in practice.

The goal of the course is to provide learners with an understanding of the concepts of the new laws and equip them to succeed in the criminal justice system in India. Through statutory analysis coupled with hands-on experiences, the course will demonstrate that criminal litigation is not purely about following steps but rather understanding how one applies oneself, advocates effectively, and displays tenacity.

TEACHING METHODOLOGY:

- Lecture method
- Readings
- Case-Study Approach
- Drafting Exercises
- Problem-solving
- Reasoning for judgments

INTENDED LEARNING OUTCOMES:

Course Intended Learning Outcomes	Weightage	Teaching and Learning Activities	Assessment Tasks/ Activities
Understand the “procedural” aspects their evolution from practice-oriented standpoint. Propose procedural reforms through policy paper or debates.	40%	Readings; discussion of case law	Analyze Procedural Errors, procedural issues or ethical dilemmas and propose alternative approaches.
Be able to draft essential legal documents required in criminal litigation. The discussion would follow the chronological sequence of investigation, evidentiary standards, bail jurisprudence etc.	30%	Readings; discussion of relevant verdicts of courts.	Drafting on problem sets and critique of drafts in class for precision.
Assess the influence of media trials and contemporary challenges	30%	Readings; discussion of cases and case law that are relevant	Solving problem sets and determining if law could plausibly be relied upon to interpret, supplement and develop the relevant domestic law.

READING LIST (upto 10 select readings):

1. CRA/1517/2021- Ramesh Kumar Yadav v. State of Chhattisgarh (Accused successfully defended by the Course Instructor).
2. Strange, C. C. et al. (2023) ‘Jail Utilization and Court Sentencing: Does Jail Overcrowding Influence State Court Sentencing Decisions?’, Justice Quarterly, 41(5), pp. 672–698.
3. Aashna Mansata, The State of the System Report: Understanding the Scale of Crime and Punishment in India, Vidhi Center for Legal Policy (2025).
4. Arushi Garg, ‘A Dynamic Theory of Prosecutorial Roles in Adversarial Trials’ [2024] Asian Journal of Law and Society 1
5. Miranda, M. D. and Maras, M.-H. (2016) ‘Sexual violence perpetrated against women in India: the role of forensic evidence’, International Journal of Comparative and Applied Criminal Justice, 41(1–2), pp. 95–107.
6. DEVINE, F. E. (1990) ‘Anticipatory Bail: An Indian Civil Liberties Innovation’, International Journal of Comparative and Applied Criminal Justice, 14(1–2), pp. 107–114.
7. Singh, U. K. (2007). The state, democracy and anti-terror laws in India. Delhi: Sage publications.
8. Basu, Asmita.” Routinization of the Extraordinary- A mapping of Security Laws in India”. <http://www.southasianrights.org/wp-content/uploads/2009/10/IND-Security-LawsReport.pdf> ,
9. Dubber, M. D. (2001). “Policing Possession: The War on Crime and the End of Criminal Law.” Journal of Criminal Law and Criminology
10. Surendranath, A. and Andrew, G. (2022) ‘State legal aid and undertrials: Are there no takers?’, Indian Law Review, 6(3), pp. 303–330.

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
MODULE1: INTRODUCTION TO CRIMINAL LITIGATION	Week 1
MODULE 2: A DEEP DIVE INTO THE INDIAN COURTROOM PROCEEDINGS.	Week 2
MODULE 3: KEY PROCEDURES IN INDIAN CRIMINAL LAW	Week 3
MODULE 4: NAVIGATING THROUGH THE TRIAL PROCESSES Anticipatory bail, Framing of charges and Plea bargaining, examination of witnesses. Statement of accused, Final Arguments and Judgement. Mock Trial. Guest Lecture.	Week 4-7
MODULE 5: COURT CRAFTS: THE ART OF CROSS-	Week 8

EXAMINATION	
Evidence and Advocacy, Admissibility of evidence, cross-examination techniques and handling hostile witnesses. Oral and written advocacy in criminal courts,	
MODULE 6: SENTENCING AND APPEALS Appeals and revisions, sentencing principles and execution of sentences, clemency and parole processes. Classroom exercise- Drafting an appeal petition and mock trial.	Week 9
MODULE 7: CRIMINAL LAW AND NATIONAL SECURITY SYNDROME. Challenges in Criminal Justice: Protection of human rights. Normalization of extra-ordinary laws (UAPA, AFSPA). Parliamentary debates before enactment of extra-ordinary law.	Week 10-12
MODULE 8: ETHICAL DILEMMAS Capstone Project	Week 13
REVISION WEEK	Week 14