



## Summary Trials

Summary trials are governed by sections 283 to 287 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) and is designed to provide a summary and expedited process for the trial of certain types of offences. These trials are intended for cases where the maximum punishment is up to three years of imprisonment or cases that are considered to be of a summary nature by law. The objective of summary trials is to ensure that justice is delivered swiftly, without compromising on the principles of natural justice and fair trial. Also, it ensures that only offences of a certain gravity are tried summarily, and cases with higher potential punishments are dealt with through regular trials.

The right of appeal in summary trials is limited compared to regular trials. An accused can only appeal to a higher court on points of law, rather than on questions of fact or mixed questions of law and fact. This helps in expediting the appellate process and reduces delays in the disposal of cases

### I. Provisions Given Under Bharatiya Nagaraik Suraksha Sanhita, 2023

As per **Sec 283** of the BNSS, 2023, the powers to try summarily are as below:

(1) Notwithstanding anything contained in this Sanhita—

(a) any Chief Judicial Magistrate;

(b) Magistrate of the first class,

shall try in a summary way all or any of the following offences:

(i) theft, under section 303, section 305 or section 306 of the Bharatiya Nyaya Sanhita, 2023 where the value of the property stolen does not exceed **twenty thousand rupees**;

(ii) receiving or retaining stolen property, under section 317 of the Bharatiya Nyaya Sanhita, 2023, where the value of the property does not exceed **twenty thousand rupees**;

(iii) assisting in the concealment or disposal of stolen property under section 317 of the Bharatiya Nyaya Sanhita, 2023, where the value of such property does not exceed **twenty thousand rupees**;

(iv) offences under section 332 of the Bharatiya Nyaya Sanhita, 2023;

(v) insult with intent to provoke a breach of the peace, under section 352, and criminal intimidation, under section 351 of the Bharatiya Nyaya Sanhita, 2023;

(vi) abetment of any of the foregoing offences;

(vii) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(viii) any offence constituted by an act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871.

(2) The Magistrate may, after giving the accused a reasonable opportunity of being heard, for reasons to be recorded in writing, try in a summary way all or any of the offences not punishable with death or imprisonment for life or imprisonment for a term exceeding three years.

(3) When, in the course of a summary trial it appears to the Magistrate that the nature of the case is such that it is undesirable to try it summarily, the Magistrate shall re-call any witnesses who may have been examined and proceed to re-hear the case in the manner provided by this Sanhita.

As per **Sec 285** of the BNSS, 2023, the procedure for summary trials is as below:

(1) In trials under this Chapter, the procedure specified in this Sanhita for the trial of summons-case shall be followed except as hereinafter mentioned.

(2) No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter.

As per **Sec 287** of the BNSS, 2023, the procedure for the judgement in cases tried summarily is as below

In every case tried summarily in which the accused does not plead guilty, the Magistrate shall record the substance of the evidence and a judgment containing a brief statement of the reasons for the finding.

## **II. Remarks:**

BNSS has empowered Magistrates to try in a summary way all or any of the offences not punishable with death or imprisonment for life or imprisonment for a term exceeding three years as compared to the CrPC which has provision to try in a summary way all or any of the offences not punishable with death or imprisonment for life or imprisonment for a term exceeding two years itself, though with the consent of the accused it may be extended to three years.

The BNSS takes a contemporary approach and has given powers to try offences summarily when the value of the property does not exceed Rupees Twenty Thousand compared to the earlier CrPC which was a mere Two Hundred.

## **III. Conclusion**

Summary trials are a valuable tool in ensuring swift justice for certain types of offences in India. The significance of summary trials lies in their efficiency, cost-effectiveness, deterrence, access to justice, and flexibility. By promoting expeditious and streamlined resolution of cases, summary trials contribute to the overall effectiveness of the Indian criminal justice

system. However, it is important to ensure that the principles of natural justice and fair trial are upheld, and that summary trials in BNSS are conducted in a manner that safeguards the rights of the accused.

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