

PLEA BARGAINING IN CRIMINAL JUSTICE SYSTEM IN INDIA- AN OVERVIEW

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Abstract

Plea Bargaining is introduced with the goal to lighten the courts of the weight of pendency of instances and swifter disposal of cases. As we all understand, our judicial device could be a very effective device around the world but having extreme trouble with judicial backlog and pendency of instances. Conviction charges are also very low. Therefore, the Law Commission of India advocated the concept of plea bargaining however our Hon'ble Supreme Court located this idea unconstitutional or illegal. This paper examines the system of Legislature to comprise this idea on hints of the Law Commission of India. Author attempts to analyse the views of the Supreme Court on plea bargaining with the help of instances. The author additionally attempts to hint the history of the concept of plea bargaining. Efforts were made to put down the system of plea bargaining in our criminal justice machine. Further this paper talks about the defendant's in addition to prosecutor's or Judge's incentives for accepting Plea Bargaining and additionally discover the drawbacks of this concept. Finally, the author concludes with the aid of announcing that there's need for robust mechanisms or safeguards to make this concept greater powerful or to triumph over the criticisms and to satisfy its favoured goals.

Keywords: plea, bargaining, report, accused, prosecutor, judge, court, section

Significance of the Study

It is aimed at reconciling the desire to ease the backlog of cases in the judicial gadget and at the same time guarantee the rights of the accused. The performance of the crook justice gadget cannot be neglected, so is the safety of the accused individual below the law. The research may also cope with numerous troubles so that it will need to be reformed in the crook technique code concerning plea agreements.

Objective of the Research

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The cause of the study is to deal with the possibility of the violation of the rights of the accused person inside the criminal system code. It can even study how the crook process code disregards the society's pastimes in managing an offender.

Research Questions to Be Answered

- (a) What are the rights of the accused which might be below cut through a plea agreement?
- (b) What are the hobbies of the community and the sufferer and the way are they violated?
- (c) What, if any, are the restrictions of a plea agreement?
- (d) What is the function of the choice in a plea settlement?
- (e) Is plea bargaining an honest trial or precise justice?
- (f) Can plea agreements be justified?

The research will be primarily based on secondary work. It will significantly involve library seek and net searches. The net will provide direct get right of entry to electronic journals with a view to be unavailable within the library as print ma²terial.

Introduction

Plea bargaining is essentially derived from the major of 'Nolo Contendere' which literally means 'I no longer desire to contend'. The Apex Court has interpreted this doctrine as an "implied confession, a quasi-confession of guilt, a formal announcement that the accused will not contend, a query directed to the courtroom to determine a plea guilty, a promise among the Government and the accused and a central authority settlement at the part of the accused that the rate of the accused need to be considered as genuine for the purpose of a specific case simplest. It has been added within the criminal technique code within the chapter XXI A wide crook regulation (modification) Act 2005."Plead Guilty or good buy for lesser sentence" is the direct & shortest possible means of plea bargaining. Plea bargaining refers to pre - trail negotiation between the defendant normally performed by way of the suspect & the prosecution in the course of which the defendant agrees to plead guilty within the trade for certain concessions by means of the prosecutor. Plea bargaining is the result of modern-day

²<https://www.google.com/url?sa=t&rect=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj76viiwJbyAhUG4nMBHb9RDooQFnoECBEQAw&url=https%3A%2F%2Fwww.thehindu.com%2Fnews%2Fnational%2Fthe-hindu-explains-what-is-plea-bargaining-and-how-does-it-work%2Farticle32126364.ece&usg=AOvVaw1u0YfBrKnwcZMEbFCAZOs7>

judicial wandering before the creation of plea-bargaining maximum courts used to disregard Plea Bargaining. The concept of Plea Bargaining changed into now not identified in jurisprudence of India. However, accused used to plead guilty simplest for petty offences & pay small quality whereupon the case is closed. Initially the idea of Plea Bargaining turned into adversarial with the aid of the prison experts, judiciary etc.

The law of India endorsed the introduction of Plea Bargaining in the 142nd, 154th & 177th reports. The 154th report of the Law commission endorsed the new XXI A to be integrated inside the criminal method code. Based on recommendation of the Law Commission, the bankruptcy on plea bargaining making a good deal in cases of offences punishable with imprisonment as much as seven years has been included. Plea bargaining is an arrangement between the prosecutor and defendant in which the accused is of the same opinion to plead responsible to a few expenses or the authentic rate and in return get a few concessions from the prosecutors inside the crook case. When the Government has a strong case, it m³ may offer the defendant or the accused a plea deal to avoid trial and perhaps reduce his exposure to a greater lengthy sentence. This enables reducing the quantity of instances pending in the courtroom. Concessions which are provided to accused are reduction in expenses imposed and the severity of the punishment. Scholars estimate the proportion of instances resolved by plea bargaining are approximately 90 to 95 percent of each federal and country courtroom.

Plea bargaining in India

The Criminal Law (Amendment) Act, 2005, which amended the Code of Criminal Procedure introduced Plea bargaining in India. A new bankruptcy XXI(A) became enforced inside the code from July 5, 2006. Plea bargaining is authorized in cases wherein the maximum punishment is imprisonment for 7 years. The first case changed in 2007, the Sakharam Bandekar case. But in that case the court docket rejected his plea and CBI argument and he was sentenced to a few years of imprisonment. Plea bargaining is not always relevant in offences committed against socio-economic conditions or women or a child under 14 years. Whilst plea bargaining is useful to the accused and sufferer of a criminal offense, sufficient safeguards are required to be placed to prevent possible abuse of this manner. Plea good buy is a pragmatic vision to conquer crowded crooked courts and prisons and a potential manner to enhance litigation performance and rationalize judicial resources, infrastructure, and costs.

³<https://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj76viiwJbyAhUG4nMBHb9RDooQFnoECAIQAw&url=https%3A%2F%2Fblog.ipleaders.in%2Fplea-bargaining-practice-india%2F&usg=AOvVaw2eW5mhkBVU8zmcuo0boycj>

Lack of infrastructure, facilities and inadequate appointments of judges is a cry a ways from over for closing so many years, Plea Bargaining may act as a stark silver lining inside the criminal justice delivery system of India, if rightly propagated and implemented, therefore benefitting tens of millions of undertrials languishing in jails for defined crimes and saving excessive expenses and area borne through State in maintaining them.

History of Plea Bargaining

In the Jury System, the want for plea bargaining was no longer felt due to the fact there was no legal illustration. Later, in 1960 prison illustration was allowed and the need for Plea Bargaining was felt. Although the traces of the origin of the idea of Plea Bargaining is in American criminal records. This idea has been used since the nineteenth century. Judges used this bargaining to inspire confessions.

Salient Features of Plea Bargaining

- It is relevant in appreciation of these offences for which punishment is as much as a duration of seven years.
- It does not observe instances wherein offence is committed in opposition to a lady or a child below the age of 14 years.
- When a court docket passes an order within the case of plea bargaining no attraction shall misinform any courtroom against that order.
- It reduces the fee.
- It drops multiple counts and presses best one rate.
- It gives advice to the courts about punishment or sentence.⁴

Advantages of Plea Bargaining

By introducing the concept of Plea Bargaining inside the Criminal Procedure the following are few advantages: -

- Reduce the pending litigation.
- Decreases the variety of undertrial prisoners.
- Make provision of reimbursement to the sufferer of crimes with the aid of the accused.

⁴<https://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj76viiwJbyAhUG4nMBHb9RDooQFnoECCoQAw&url=http%3A%2F%2Fwww.legalservicesindia.com%2Farticle%2F1836%2FPlea-Bargaining-in-Indian-Legal-System.html&usg=AOvVaw16uAnug7Th18x-BXaORguX>

- Reduce the disposal of crook cases.

Disadvantages of Plea Bargaining

Some of the main drawbacks of the idea of Plea Bargaining as is diagnosed in India are: -

- A hazard to the right to honest trial.
- Involving the Police in a Plea Bargaining manner would invite coercion.
- By relating to the courtroom in Plea Bargaining system the court impartially is impugned.
- Involving the sufferer in Plea Bargaining technique might invite corruption.
- If the guilty application of the accused is rejected, then the accused could face incredible hardship to prove himself innocent.⁵

Different varieties of Plea Bargaining

1. Sentence bargaining: Motive of that is to get a lesser sentence. Defendant agrees to the costs and in go back gets a lighter sentence.

2. Charge bargaining: It is not unusual in crook instances. Defendant has the same opinion to plead responsible to a lesser fee in go back of disregarding of greater charge

3. Fact bargaining: Defendant consents to outline sure statistics in return he prevents other information to enter as proof.

Arguments towards Plea Bargaining in India

❖ Voluntarily followed Mechanism

As in line with the prison provision dealing with Plea bargaining, it's far a voluntary mechanism that's only entertained whilst the accused opts it willingly. But the law is silent on the fact that during the case, the settlement reached is contrary to the reason for the criminal machine.

❖ Involvement of Police

⁵<https://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj76viiwJbyAhUG4nMBHb9RDooQFnoECBkQAw&url=https%3A%2F%2Flegalservices.maharashtra.gov.in%2FSite%2FUpload%2FPdf%2Fplea-bargaining.pdf&usg=AOvVaw3xDS5QotedLyhO9tpLUcGS>

The Involvement of the police in plea bargaining also draws grievance. As India is infamous for the custodial torture by police. In such a situation, the concept of Plea Bargaining is more likely to aggravate the situation.

❖ **Corruption**

The position of sufferers in plea bargaining manner is also no longer appreciated. The role of sufferer in this process would attract corruption which is ultimately defeating the motive that is sought to be performed through such action.

❖ **Independent Judicial Authority**

The provisions of Plea Bargaining do not now offer an impartial judicial authority to evaluate plea-bargaining programs. This is one of the glaring reasons for its grievance.

❖ **Not the Final Solution**

The motives given for the advent of plea-bargaining are the excellent overcrowding of jails, excessive fees of acquittal, torture gone through by under trial prisoners etc. But the principal aspect behind a lot of these reasons is a postponement in the trial procedure. In India, the reason at the back of the postpone in trials is many e.g. The operation of the investigative groups as well as the judiciary, private hobby of lawyers and so on. Therefore, the need of the hour is not a substitute for trial, however an overhaul of the gadget may be in terms of shape, composition and its painting lifestyle. All these measures might make certain reasonably speedy trials.

Arguments for Plea Bargaining in India

❖ **Fast disposal of cases**

The plea bargaining is useful for both the prosecution and the defence due to the fact there may be no hazard of complete loss at trial. It allows the lawyers to defend their clients in a clean way because both the parties own bargaining electricity. This is how the long-status disputes may be resolved and the court might also no longer need to face encumbrance of

case documents. Moreover, Plea bargaining enables the courts in retaining scarce assets for the instances that need them maximum.⁶

❖ **Less critical offenses on one's report**

In a country like India, society performs a vital position. Once someone is stigmatized through society it will become very hard for that man or woman to continue to exist. Many a time stigmatization ends in ostracization. In such a situation, Plea Bargaining allows someone to plead responsible or no contest in exchange for a discount inside the wide variety of fees or the seriousness of the offenses. This results in recording less serious offenses on the reputable court records of an accused. This can be right for the accused while he is convicted within the destiny.

❖ **A hassle-free technique**

Indian is thought for its lengthy-status case. Many cases complaints go for 8-10 year thereby both the parties go through. There had been times in which the accused spent more time in jail than the maximum punishment for which he was accused. Such instances show a grave infringement of their human rights. Plea bargaining lets in someone to plead responsible without hiring an attorney. But If they waited to go to trial, they could discover and rent a lawyer, and in that procedure, they should spend as a minimum some time operating with the attorney to put together for trial and pay the attorney. The concept of plea bargaining safeguards the hobby of such men and women by means of avoiding the hassles that they face whilst the case stays pending.

❖ **It avoids exposure**

Plea Bargaining is also an amazing mechanism to keep away from publicity due to the fact the longer the case is going the extra publicity the accused receives. Therefore, plea bargaining avoids such publicity by using a quick agreement of the case. Famous and ordinary People who rely upon their popularity in the community for their dwelling, and people who need to break out any unnecessary stigmatization. Although the news of the plea itself can be public but it stays handiest for a quick time while in comparison to news of a tribulation.

⁶https://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj76viiwJbyAhUG4nMBHb9RDooQFnoECCwQAw&url=http%3A%2F%2Fwww.ijtr.nic.in%2FPLEA%2520BAR%20GAINING.pdf&usg=AOvVaw2NH07rqtq0-TkrTIVJZ_v1

Relevant Provisions and Procedure

As Per Section 265-A, the plea bargaining shall be available to the accused who's charged of any offence other than offences punishable with loss of life or imprisonment or for life or of an imprisonment for a time period exceeding seven years. Section 265 A (2) of the Code gives power to notify the offences to the Central Government. The Central Government issued Notification specifying the offences affecting the socio economic circumstance.⁷

Section 265-B contemplates an utility for plea bargaining to be filed by using the accused which shall contain a quick details about the case referring to which such software is filed, inclusive of the offences to which the case relates and shall be accompanied by means of a sworn statement sworn by way of the accused pointing out therein that he has voluntarily desired the utility, the plea bargaining the nature and volume of the punishment provided below the regulation for the offence, the plea bargaining in his case that he has no longer previously been convicted via a courtroom in a case wherein he were charged with the same offence. The courtroom will thereafter issue a word to the public prosecutor concerned, investigating officer of the case, the victim of the case and the accused for the date fixed for the plea bargaining. When the parties seem, the court shall look at the accused in-camera in which the opposite parties within the case shall not be given, with the purpose to satisfy itself that the accused has filed the application voluntarily.

Section 265-C prescribes the manner to be observed with the aid of the court in operating out a at the same time first-rate disposition. In a case instituted on a police report, the courtroom shall trouble observe to the general public prosecutor involved, investigating officer of the case, and the sufferer of the case and the accused to take part in the assembly to work out a best disposition of the case. In a complaint case, the Court shall issue be aware to the accused and the sufferer of the case.

Section 265-D deals with the training of the record through the courtroom as to the advent of a at the same time satisfactory disposition or failure of the equal. If in an assembly beneath section 265-C, a great disposition of the case has been laboured out, the Court shall put together a file of such disposition which shall be signed by using the presiding officer of the Courts and all different persons who participated inside the assembly. However, if no such

⁷<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj76viiwJbyAhUG4nMBHb9RDooQFnoECBoQAw&url=https%3A%2F%2Fwww.livelaw.in%2Fcolumns%2Fcriminal-law-plea-bargaining-charge-bargaining-sentence-bargaining-tablighi-jamaat-169521&usg=AOvVaw2gba-sQMFujyHAc-CB1NYG>

disposition has been laboured out, the Court shall record such remarks and continue in addition according to the provisions of this Code from the stage the software underneath sub-segment (1) of segment 265-B has been filed in such a case.

Section 265-E prescribes the technique to be observed in doing away with the instances while an exceptional disposition of the case is laboured out. After the entirety of lawsuits beneath S. 265 D, by making ready a report signed via the presiding officer of the Court and parties in the assembly, the Court has to hear the events on the quantum of the punishment or accused entitlement of launch on probation of proper behaviour or after admonition. Court can either release the accused on probation beneath the provisions of S. 360 of the Code or below the Probation of Offenders Act, 1958 or beneath some other prison provisions in force, or punish the accused, passing the sentence. While punishing the accused, the Court, at its discretion, can skip sentences of minimal punishment, if the law affords such minimum punishment for the offences dedicated by means of the accused or if such minimal punishment isn't always supplied, can skip a sentence of 1 fourth of the punishment supplied for such offence. " Section 265-F offers with the pronouncement of judgment in terms of at the same time great disposition.⁸

Section 265-G says that no appeal shall be against such judgment.

Section 265-H offers the powers of the court docket in plea bargaining. A court docket for the functions of discharging its capabilities underneath Chapter XXI-A, shall have all the powers vested in appreciation of trial of offences and different topics relating to the disposal of a case in such Court underneath the Criminal Procedure Code.

Section 265-I specifies that Section 428 is applicable to the sentence offered on plea bargaining.

Section 265-J talks about the provisions of the chapter which shall have effect notwithstanding something inconsistent therewith contained in every other provisions of the Code and not anything in such other provisions shall be construed to contain the means of any provision of bankruptcy XXI-A.

⁸<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiQgO2iwZbyAhXijeYKHdZjD-o4ChAWegQIBBAD&url=https%3A%2F%2Fwww.athensjournals.gr%2Fflaw%2F2021-7-1-2-Singh.pdf&usg=AOvVaw2pSV9ihUUekEgXC4LPGIPA>

Section 265-K specifies that the statements or data said with the aid of the accused in an utility for plea bargaining shall no longer be used for every other cause except for the purpose as referred to in the bankruptcy. " Section 265-L makes bankruptcy not applicable in case of any juvenile or toddler as described in Section 2(okay) of Juvenile Justice (Care and Protection of Children) Act, 2000.

For a valid disposal on plea bargaining it is vital to comply with the aforesaid technique pondered in Chapter XXI-A. Even though 'plea bargaining' is to be had after the introduction of the said change is to be had, in instances of offences which aren't punishable both with loss of life or with imprisonment for existence or with imprisonment for a term exceeding seven years, the chapter contemplates a at the same time exceptional disposal of the case which may consist of the giving of compensation to sufferer and other charges and identical can't be done without inclusive of the sufferer inside the method of arriving at such agreement. The Hon'ble High Court inside the case of Sh. Charan Singh v. M.C.D. Has held that no disqualification due to conviction will be attached to the petitioner as he has been released on probation. In this situation, the Hon'ble Delhi High Court has quoted the case of Trikha Ram v. V. K. Seth and Anr in which the Hon'ble Supreme Court held that the benefit of Section 12 of The Probation of Offenders ACT, 1958 may be prolonged to the service of the perpetrator.

Case Laws

I. Kasambhai Abdul Rehman Bhai Sheikh v. State of Gujarat

The court docket held in this situation that Plea bargaining is towards public coverage and it pollutes the natural front of justice. The court docket has challenged the morality of plea bargaining. It additionally regretted the truth that Justice of the Peace had widespread plea bargaining.

II. Murlidhar Meghraj Loya v. State of Maharashtra

The Supreme court did not encourage the idea of Plea bargaining. Believe it or not it is a proper inducement. The widespread strength within the hand of the prosecutor will result in corruption and collusion of justice. It held that plea bargaining intrudes upon the society's interest and public morale.

III. Kachhia Patel Shantilal Koderlal v. State of Gujarat and Anr.

The Supreme Court held that the practice of plea bargaining is unconstitutional, unlawful and could encourage corruption and collusion.

IV. Thippeswamy v. State of Karnataka

The Court stated that the act of inducing and main the accused to plead guilty below an warranty or a promise will violate Article 21 of the Constitution of India.

V. State of Uttar Pradesh vs Chandrika

The Court deprecated the concept of plea bargaining and held the idea as unconstitutional. The Court turned into the opinion that the idea of plea bargaining cannot form the premise for disposal of cases which are of crooked nature. Such cases should be only decided on the advantage. It also opined that a sentence given to the accused ought to be as in line with what the precise statute or law says.

Plea bargaining in exceptional nations

India

In INDIA, Plea Bargaining changed into brought in the Criminal Procedure Code through Chapter XXIA by way of Criminal Law (Amendment) Act i.e. Act 2 of 2006 containing Section 265A to 265L. Under Section 265A of the Code. Plea bargaining is not applicable for the offences for which punishment is lifestyle imprisonment or death sentence. It is best applicable for the offences for which punishment is less than 7 years. Further offences affecting the socio-financial situation of the United States of America or committed towards women or infants under 14 years have been excluded from the ambit of Plea Bargaining. Pursuant to this, the Central Government had at once notified listing of 19 Acts of Parliament affirming offences therein as affecting the socio-economic condition of the country. Before the Amendment Act, the Indian judicial device did not apprehend the idea of plea bargaining and thus antagonised it. Pre-change, the apex court time and again declared that the concept changed into public coverage.⁹

In Murlidhar Meghraj Loya v. State of Maharashtra (1976) the Indian Supreme Court held, "It is idle to invest on the virtue of negotiated settlements of criminal cases, as obtains inside the United States but in our jurisdiction, particularly within the vicinity of dangerous

⁹<https://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiQgO2iwZbyAhXijeYKHdZjD-o4ChAWegQIBRAD&url=https%3A%2F%2Fwww.drishtiiias.com%2Fdaily-updates%2Fdaily-news-analysis%2Fplea-bargaining&usg=AOvVaw0ONH2D3DxNiTSWMAqZttiK>

monetary crimes and food offences, this exercise intrudes on society's hobbies by using opposing society's decision expressed via predetermined legislative fixation of minimum sentences and by using subtly subverting the mandate of the regulation." In *Kasambhai Abdul Rehman Bhai Sheikh v. State of Gujarat* (1980) Supreme Court held, "The exercise of Plea Bargaining changed into unconstitutional, illegal and might tend to inspire corruption, collusion and pollute the pure fount of justice." In *State of Uttar Pradesh v. Chandrika* (2000) the Supreme Court held, "It is settled regulation that on the idea of plea-bargaining Court cannot put off the crook instances. Mere acceptance or admission of guilt should not be a ground for discount of sentence. Nor can the accused bargain with the Court that as he's pleading guilty sentence be reduced."

However, the Indian judicial gadget saw an alternative within the recognition of the concept of plea bargaining after the 154th Law Commission Report, which advocated the creation of the plea bargaining. The committee took perspectives from judges, legal professionals, bar associations and many others. The recognition of the plea bargaining has made a deep effect through the years and has grown to be a vital part of crook jurisprudence in India. While identifying mission to the idea of plea bargaining, the department bench of the Gujarat High Court, in *State of Gujarat V. Natwar Harchanji Thakor* (2005), has held, "the very object of law is to offer smooth, reasonably-priced and expeditious justice by resolution of disputes, together with the trial of crook instances and considering the prevailing practical profile of the pendency and delay in disposal within the administration of regulation and justice, essential reforms are inevitable. There should no longer be anything static."

United States

Plea bargaining is observed otherwise in each state and it is far sizable a part of crook justice. They undergo uniformity in all instances via following "Federal Sentencing hints". There are 2 predominant forms of plea settlement: 11(c)(1)(B) and 11(c)(1)(C). It is not unusual in Superior Courts of California; they have published an elective seven-page form to help within the procedures of plea agreements. Once a plea good buy is decided and general through the courts, it is miles very last and cannot be appealed. But the defendant can withdraw his plea and be given a conditional plea bargain wherein he pleads responsible and accepts a sentence.

Canada

In plea bargaining, The Crown has the strength to present lighter sentences and withdraw some charges towards the defendant in exchange for a guilty plea. The crown must determine whether to decide the problem summarily or by means of indictment earlier the defendant making his plea. If it proceeds summarily after which the defendant pleads not responsible, then the crown cannot exchange its election. Judges are not certain of the decisions of the Crown; they may impose harsher sentences. The crown and the defence will make a joint submission with admiration to the sentencing. Judges are not sure to impose sentences within that variety of submission.

England and Wales

Plea bargaining is done in keeping with the pointers given by the “Sentencing Council”. Discount of the sentence given in keeping with the timing of the plea. The earlier the responsible plea is entered, the cut price given is extra. If it entered on the first day of the trial, then a reduction of 1/10th is given. Discount can involve changing the type of punishment additionally.¹⁰

Conclusion

Plea bargaining facilitates fast disposal of cases through being a beneficiary for both aspects, the defendant, and the prosecution. It enables the attorneys to guard their consumer in a smooth way. Long- status disputes may be easily resolved. It facilitates in decreasing the record of less severe offences in the court and this could be true for the accused when he is convicted later inside the destiny. Plea bargaining allows in averting publicity via fast agreement of instances. On the opposite aspect, the motives for introducing plea bargaining are the overcrowding of jails, excessive prices of acquittal, torture of trial prisoners etc. But the principal motive at the back of all that is delay in trial procedure. It demolishes impartial judicial authority. The role of victim in the method impacts corruption which in the end defeats the motive of plea bargaining. India has already identified the rights of convicts in Article 20 of the Indian constitution. Considering the modifications inside the passage of time, Indian courts felt the need for plea bargaining. When change is added there is usually humans retraining to it and it takes time for the people to simply accept the exchange. Rejecting something on the idea of disadvantages is not justified. Therefore, the want of the

¹⁰<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiQgO2iwZbyAhXijeYKHdZjD-o4ChAWegQIDBAD&url=https%3A%2F%2Fwww.mondaq.com%2Findia%2Ftrials-appeals-compensation%2F273094%2Fplea-bargaining-an-overview&usg=AOvVaw10E1vww-twafFEpUf2zzYE>

hour is to deliver exchange in structure, composition, and its tradition. All these measures might help in ensuring rapid trails.

Plea Bargaining does not solve the whole hassle but reduces its severity of penalty. The creation of plea bargaining is a shortcut geared toward speedy decreasing the number of below-trial prisoners and growing the quantity of convictions, with or without justice. It is certainly a disputed concept since few have welcomed it even as others have abandoned it. The effects could be felt most glaringly by using the limitless numbers of poor languishing in the country's prisons even as waiting for trial. Taking into account the benefits of plea-bargaining, the guidelines of the Law Commission Plea bargaining changed into honestly diagnosed because the want of the hour and by using no stretch of imagination can the taint of legalizing against the law will connect to it. At this level it could be adequately held that 'Law isn't always a Panacea. It cannot resolve all issues, however it can lessen the severity'. Plea bargaining in India endeavours to address the equal, which no matter its shortcomings can pass an extended way in speeding the caseload disposition and attributing efficiency and credibility to Indian Criminal Justice.

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