



Summary Trials
under
Criminal Procedure Code, 1973
Sec. 260-265

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Concept of Summary Trial (Sec. 260-265)

- **Synopsis:**
- **Summary Trial (Sec.260-265)**
- **Scope and Object**
- **Judicial Officer Empowered to try summarily – S.260(1)**
- **Offences Triable in a Summary Way – S.260(2)**
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- **Record in Summary Trials – S.263**
- **Judgment in cases tried Summarily – S.264**

Scope and Object

- Summary trial implies speedy disposal of cases.
- A case can be tried and disposed of at once.
- Summary trial is not intended for a contentious and complicated case which necessitates a lengthy trial.
- The object of summary trial is to have a record sufficient for the purpose of justice but not so long as to impede speedy disposal of cases.
- Summary trial is an abridged form of regular trial and is a short cut in procedure.
- The maximum punishment that can be given in a summary trial is 3 months.

Judicial Officer Empowered to try summarily – S.260(1)

- It is pertinent to note that the very nature of summary trial requires that experienced and senior judicial officers shall try the case in a summary manner, the same is mentioned as follows:
- *Chief Judicial Magistrate;*
- *Metropolitan Magistrate;*
- *Judicial Magistrate of the First Class*
- *Any other Magistrate*
- Can only exercise such powers upon being empowered by the High Court
- If any judicial magistrate who tries a case in a summary manner is not empowered to do so, such proceedings shall be void.

Offences Triable in a Summary Way – S.260(2)

The following offences are triable in a summary way:

- Any offence punishable with ***imprisonment for less than 2 years***;
- ***Theft***, where the value of property is less than Rs. 2000;
- ***Receiving stolen property***, where the value of property is less than Rs. 2000;
- ***Concealing or Disposing stolen property***, where the value of property is less than Rs. 2000;
- ***House trespass or house breaking***;
- ***Insult*** with intent to ***provoke a breach of peace***;
- ***Abetment*** of any of the above-mentioned offences;
- ***Attempt to commit*** any offence mentioned above;
- Any offence under ***Section 20, Cattle Trespass Act, 1871***

Procedure to be followed in Summary Trials – S.262

Summons Case Procedure subject to Ss. 262 to 265 – S.262(1)

- The procedure affixed for a summons case shall be followed.
- However, the provisions of Ss.262 to 265 will have an overriding effect on the already existing provision of summons case.
- Even if a case happens to be a warrants case still the abovementioned procedure shall be followed because of the summary nature of the case
- **Punishment Awardable – S.262(2)**
- In a summary trial the maximum punishment that the authorized court can award is imprisonment up to three months.
- However, there is no restriction on the amount of fine that can be imposed upon conviction.

- **Summary Trial to be given up in favor of Regular Trial**

- In case the Magistrate is confronted with such compelling reasons that he deems undesirable to try the case in a summary manner, in such a case he may order a regular trial to take place.
- In such scenario, the Magistrate shall start the trial *de novo* and examine all the witnesses even those who have been examined earlier under the summary trial procedure.

Record in Summary Trials – S.263

The record of the summary trial shall contain the following particulars of the case:

- Serial **number**;
- Date of **commission** of offence;
- Date of **report** or **complaint**;
- Name of the **complainant**;
- Details of the **accused**;
- Value of the **property**;
- Details of the **offence**;
- **Pleas** of the accused;
- **Findings**;
- **Sentence & final order**;
- Date on which the proceedings **terminated**.





Judgment in cases tried Summarily – S.264

- The Magistrate shall record the following in case the accused does not plead guilty:
- *Substance of Evidence;*
- *A Judgment*
- The Judgment shall be such that the Court of appeal or revision should be able to peruse the contents of the same and understand the same.
- Every record shall be written in the language of the Court. S.265(1)
- The record and the judgment shall be prepared and signed by the Magistrate.