RELEVANCY OF PLEA BARGAINING IN JUDICIAL PROCEEDINGS IN INDIA

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ABSTRACT

The Indian Judiciary is look upon as one of the most potent judiciaries across the globe, but this powerful judiciary is being crippled by the burden of pending cases. In order to elucidate this problem, the legislature introduced the notion of plea bargaining in the Indian Criminal Justice System. This Article makes an exertion to scrutinise the thoughts process of the legislature in incorporating the conception plea bargaining in India by going into the recommendation of the Law Commission and the Committee on Reforms of the Criminal Justice System. Author tries to touch the origin of the concept of Plea Bargaining. Further determinations have been made to review the present legal position regarding plea bargaining in India by going into the provisions of law and judicial decisions. Drawbacks under the legislation are deliberated along with suggestions for better application of the provisions. The Article concludes by calling for a inclusive study to review the functioning of plea bargaining in order to bring it in conformity with its anticipated objective of bringing down the pendency and ensuring speedier disposal of cases.

Keywords*: plea-bargaining, judiciary, legislature, criminal justice system, law commission.*

INTRODUCTION

Justice delayed is justice denied.[i]

William Ewart Gladstone[ii]

The reason one goes to Court is to get Justice, and "Justice Delayed is Justice Denied", unfortunately the Judicial System in India is based on Evidences and Facts not conscience or morals, so it should be easier, once having the facts at hand, all it need is argument and hearing and quicker pronouncement of Justice. A Judicial System that cares only about evidences and facts shouldn't worry about taming the souls of the plaintiff and the defendant with time rather give justice as quick as it can, this delay and denial of justice leads to increasing "Out of court settlements" which are cheaper and quicker thereby leading to the loss of trust in our judicial system.[iii] The Criminal Justice System of India has been mired by the perennial problem of delays. Given the kind of delays which afflict the system this pursuit of justice is often a painful tedious process that results in the unfortunate feeling that it is sheer waste of time. Several Judges, Scholars and Media personalities have express serious concerns about the slothful, sluggish and slumbering State of Justice delivering system.

Justice Krishna Iyer dealing with a bail petition in ***Babu Singh v. State of Uttar Pradesh***[iv] remarked:

"Our Justice System even in grave cases, suffers from slow motion syndrome which is lethal to fair trial whatever the ultimate decision. Speedy Justice is a component of social justice since the community, as a whole is concerned in the criminal being condignly and finally punished with a reasonable time and the innocent being absolved from the inordinate or dead of criminal proceedings".

The Supreme Court of India in Case of ***Hussainara Khatoon v. State of Bihar***[v] came to know that that large number of men, women and children were behind the prison bars for years awaiting trial in the court of law. The offences with which some of them were charged were trivial, which even if proved, would not warrant punishment for more than a few months, perhaps for a year or two, and yet these unfortunate forgotten specimen of humanity were in

jail, deprived of their freedom for periods ranging from three to ten years without even as much as their trial having commenced.[vi] The Supreme Court observed:

"No procedure which does not ensure a reasonable quick trial can be regarded as reasonable, or just and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial and by speedy trial was mean reasonable expeditious trial is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21".

Despite judicial pronouncements, inordinate delays and expensive litigations are still haunting the justice delivery system. Due to prolonged and faulty investigation, lack of scientific and technical expertise on the part of the police department accused acquires an upper hand over the prosecution.

A Plea-Bargain is an agreement in a criminal case in which a prosecutor and an accused arrange to settle the case against the accused. An accused agrees to plead guilty or no contest in exchange for some concession from the prosecutor. This concession can include reducing the original charge or charges dismissing some of the charges of limiting the punishment, a court can impose on the accused. Generally, a plea bargain allows the parties to agree on the outcome and settle the pending charge. In colloquial terms this is known as "Copping a Plea"[vii]

The trial of a criminal case generally commences with the framing of a formal charge of an offence against the accused and this charge is read over to the accused and he is called upon to plead guilty or not guilty to the said charge. This plea is the accused is recorded by the trial court and the court may convict the accused on his plea of guilty in case the court is satisfied that it is made voluntarily in full knowledge and understanding of its implications and is not made out of fear, menace or coercion or weakness or ignorance or due to extraneous reasons, in that event the court shall call upon the prosecution to prove its case by adducing evidence beyond reasonable doubt. Halfway between plea of guilty or not guilty is the plea which may be called plea-bargaining?[viii]

EVOLUTION OF CONCEPT OF PLEA BARGAINING

The origins of plea Bargaining are obscure. However, it is believed that the plea bargain was a prosecutorial tool used only episodically before the nineteenth century. In America, it can be traced almost with the very emergence of system of public prosecution. Mostly judges favoured the concept as it provides work load relief.[ix] Thus the concept of plea bargaining was prevalent in U.S.A. and even presently, plea bargaining is a significant part of the criminal justice system in the United States. The vast majority of criminal cases in the United States are settled by a plea bargain, ***nolo contendere***, rather than by a jury trial. Plea bargaining is so common in the American system that every minute a case is disposed of in the American Criminal Court by way of guilty plea.[x] In some common law countries, such as England and Wales, Victoria and Australia plea bargaining is permitted only the extent that the prosecutors and the defence can agree that the accused will plead guilty to some charges and the prosecutor will drop the remainder.

In a landmark judgment ***Bordenkircher v. Hayes,***[xi] the Supreme Court held that the constitutional rationale for plea bargaining is that there is no element of punishment or retaliation so long as the accused is free to accept or object the prosecutor's offer.[xii]

The American Supreme Court upheld the constitutional validity of 'plea bargaining' in ***Brandy v. United States,***[xiii]and opined that the issue they dealt with was inherent in the criminal law and its administration because guilty plea was not constitutionally forbidden, because the criminal law characteristically extends to judge or jury a range of choice in setting the sentence in individual cases, and because both the States and the defendant often found it advantageous to possibility of the maximum penalty authorized by law.[xiv] In contrast of this position and use of concept of plea bargaining in U.S.A., the concept of 'plea bargaining' was not recognized in India and was opined that it was against public policy under our criminal justice system. Section 320 of Code of Criminal Procedure, provides for compounding of certain offences with the permission of the Court and certain others even without permission of the court. Except the above, the Supreme Court had held that the concept of negotiated settlement in criminal cases is not permissible.[xv] This method of short circuiting the hearing and deciding the criminal appeals or cases involving serious offences require no encouragement. Neither the state nor the

public prosecutor nor even the judge can bargain that evidence would not be led or appreciated in consideration of getting flee bite sentence by pleading guilty.

The Supreme Court of India happened to consider the concept of plea bargaining in case of ***Murlidhar Meghraj Loya etc. v. State of Maharashtra, etc.***[xvi] and it implicitly disapproved the concept of plea bargaining.[xvii] It seems that there were three reasons of disapproval. Firstly, the offence in question was an economic offence pertaining to food adulteration which affects the health and wellbeing of unwary citizens. Secondly, the legislature had prescribed a minimum jail sentence and the trail court had brazenly flouted the legislative will and mandate by not sending the convict to jail for 3 months. Thirdly, there was no legal authority for invoking the plea-bargaining procedure not recognized by the Criminal Jurisprudence of India.[xviii]

In a case of ***Kasambhai Abdulrehmanbhai Sheikh etc. v. State of Gujarat***[xix], the Supreme Court observed that the conviction of the accused was based solely on the plea of guilty entered by him and his confession of guilt was the result of plea bargaining between the prosecution, the defence and the learned Magistrate. Besides such a procedure would be clearly unreasonable, unfair and unjust and would be violative of the new activist dimension of Article 21 of the Constitution[xx], unfolded in Maneka Gandhi's case. This practice would also be tending to encourage corruption and collusion and as direct consequences, contribute to the lowering of the standard of justice. There is no doubt in our mind that the conviction of an accused based on a plea of guilty entered by him as a Magistrate must be held to be unconstitutional and illegal.[xxi]

PLEA BARGAINING IN INDIA

Large numbers of criminal case are pending in courts in India. As on 30-06-2011, 1,98,36,287 criminal cases were pending in District Courts[xxii]. Trials were completed in 10,13,240 IPC crime out of total 69,91,508 cases pending for trials. 58,22,752 cases remain pending for trial in courts as on December 31, 2005. Conviction rate for IPC crimes remained almost static at 42.5 and 42.4 in 2004 and 2005, respectively. 28.7% of trial were completed in less than 1 year, 33.7% of trials were completed within 1 to 3 years, 22.6% were completed between 3 to 5 years, 11.8% of trials were completed between 5 to 10 years, and 3.1 % cases took more than

10 years.[xxiii] There are various reasons of pendency of cases. One of the causes of delay is lowest number of judges per capita in India as compare to the world. Even smaller countries have around 80 judges per million people whereas this figure ranges between 9 to 11 judges per million people in India.[xxiv]

The object of plea bargaining is to avoid the uncertainty of jury trial, minimize the risk of undesirable results for either side and alleviated the sufferings of the under trail prisoners awaiting the commencement of the trial. To reduce the delay in disposing criminal cases, the 154th Report[xxv] of the law commission first recommended the introduction of plea bargaining as an alternative method to deal with the huge arrears of criminal cases. As recommended by the Malimath Committee[xxvi], plea bargaining should be introduced in the criminal justice to facilitate early disposal of criminal cases. The division bench of the Gujarat High Court observed in ***State of Gujarat v. Natwar Harichauji Thakor***[xxvii] that the very object of law is to provide easy, cheap and expeditious justice by resolution of disputes, including the trial of criminal cases.

Criminal jurisprudence of India does not recognize the concept of "plea bargaining" as such. Reference may, however, be made to Section 206(1) and Section 206(3) of Code of Criminal Procedure and Section 208(1) of the Motor Vehicle Act, 1988. These provisions enable the accused to plead guilty for petty offences and to pay small fines whereupon the case in closed. In 154th Report, the Law Commission reiterated the need for remedial legislative measures to reduce the delays in the disposal of criminal trials and appeals and also to alleviate the suffering of under trial prisoners. The 177th Report of the Law Commission, 2001[xxviii] also sought to incorporate the concept of plea bargaining. The Report of the committee on Reforms of the Criminal Justice System, 2003 stated that the experience of the United States was an evidence of plea bargaining being a means for the disposal of accumulated cases and expediting the delivery of criminal justice; the committee thus affirmed the recommendations of Law Commission of India in its 142nd Reports.

In India, plea bargaining cannot be availed of in respect of offences punishable with a sentence exceeding seven years. In other words, plea bargaining would not apply to serious offences. Three more categories of offences have been excluded from its purview. On July 11, 2006 the Central Government actually issued a notification cataloguing 19 statutes as affecting the

socio-economic conditions of the country and the offences in those statutes now stand excluded from the plea-bargaining process. The second category of exclusion comprises against women. The third consist of offences committed against children below the age of 14. Despite such vast areas of exclusion there are many offences for which the accused will be entitled to avail themselves of advantages of plea bargain.[xxix]

SALIENT FEATURES OF PLEA BARGAINING

The salient features[xxx] of plea bargaining under Chapter XXI-A of the Criminal Procedure Code, 1973 inter alia includes; (i) the plea bargaining is applicable only in respect of those offences for which punishment of imprisonment is up to a period of seven years;[xxxi] (ii) it does not apply where such offences affect the socio-economic condition of the country and has been committed against a women or a child below the age of fourteen years;[xxxii] (iii) the application for plea bargaining should be filed by the accused voluntarily;[xxxiii] (iv) habitual offenders are not entitled for the benefit of plea bargaining;[xxxiv] (v) a person accused of an offence may file an application for plea bargaining in the court in which such offences is pending for trial;[xxxv] (vi) after receiving the above application, the court shall issue notice to the public prosecutor or the complainant of the case, as the case may be, the accused to appear on the date fixed for the case;[xxxvi] (vii) the complainant and the accused are given time to work out a mutually satisfactory disposition of the case, which may include giving to the victim by the accused, compensation and other expenses incurred during the case;[xxxvii] (viii) guidelines for mutually satisfactory disposition with the basic objectives that it is completed voluntarily by the parties participated in the process;[xxxviii] (ix) where a satisfactory disposition of the case has been worked out, the court shall dispose by awarding compensation to the victim in accordance with the disposition and it may release the accused on probation and provide the benefit any law in force; [xxxix] (x) where minimum punishment have been provided under the law for the offence committed by the accused to half of such minimum punishment;[xl] (xi) if the offence is not covered under the above two category, the court may sentence to one-fourth of the punishment provided or extendable for such offence;[xli] (xii) the statement or facts stated by an accused in an application for plea bargaining shall not be used for any other purpose other than for plea bargaining;[xlii] (xiii) period of detention undergone by the accused to be set off against the

sentence of imprisonment as provided under Section 428 Cr. P. C.;[xliii](xiv) the judgement delivered by the court in the case of plea bargaining shall be final and no appeal shall lie in any court against such judgment.[xliv] But a writ petition to the state High Court under Articles 226 and 227 of the Constitution or a Special Leave Petition to the Supreme Court under Article 136 of the constitution can be made and (xv) provision of plea bargaining are not applicable if the applicant is juvenile.[xlv]

NEED OF PLEA BARGAINING

The delay in dispensation of justice, within a time frame, has brought a sense of frustration amongst the litigants who were compelled to live with these delays, leading to frustration loss of faith and dissatisfaction amongst them. Such feeling amongst the litigants on account of delayed justice is a major threat to our country and such erosion of faith cannot be afforded at any cost. The public outrage over the failure of criminal justice system in some recent high-profile cases shook us all up into the realization that something needs to be urgently done to revamp the whole process, though steering clear of knee jerk reactions, remembering that law is serious business. For a victim, one can imagine the suffering if accused is acquitted after inordinate delay. Many a times inordinate delay contributes to acquittal of guilty persons either because the evidence is lost or because of lapse of time or the witnesses do not remember all the details or do not come forward to give evidence due to threats, inducement or sympathy. On the other hand, accused undergoing trial and languishing in jails for years pending trial can itself be a harrowing experience. In this whole process, trauma faced by the witnesses to come to the court for disposition from time to time cannot be undermined. Prolonged trails also result in fading away of memory of these witnesses. Speedy has so far remained a distant reality in our criminal justice process. Speedy justice is an assurance extended to a citizen under the ambit of 'right to life' guaranteed under Article 21 of our Constitution. It is the best way to restore people faith in the administration of justice and in the 'rule of law'.[xlvi] It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come to the expectation of the society of ensuring speedy untainted and unpolluted justice as provided in ***Anil Rai v. State of Bihar.***[xlvii]

JUDICIAL RESPONSE TOWARDS PLEA BARGAINING

Justice must not only be done, but seen to be done[xlviii]

Let us now examine the judicial decisions of the Apex Court and the various High Courts on the concept of plea bargaining to find out the response of Courts on the concept of plea bargaining. Did their lordships opine for acceptability of concept of plea bargaining? Did their Lordships comment on the kind of cases suitable for applicability of concept of Plea Bargaining? Did their Lordship feel desirability of bringing it within legal framework? What were their Lordship observations about benefits of plea bargaining? Whether their Lordships ever cautioned about drawbacks of concept of plea bargaining? Whether their Lordships observed about the impact of plea bargaining? The answers of these questions may help and lead us to sum up the response of judiciary on the concept of plea bargaining.

The Supreme Court strongly disapproved the practice of plea bargaining in ***Kachhia Patel Shantilal Koderlal v. State of Gujarat and another.***[xlix] The court held that practice of plea bargaining was unconstitutional, illegal and would tend to encourage corruption, collusion and pollute the pure fount of justice. In this case the Court observed that:

"This practice would also tend to encourage corruption and collusion and as a direct consequence, contribute to lowering of the standard of justice. There is no doubt in our mind that the conviction of an accused based on a plea of guilty entered by him as a result of plea bargaining with the prosecution and the magistrate must be held to be unconstitutional and illegal."

In case of ***Bhim Ch. Hembram v. State of West Bengal,***[l] Calcutta High Court held that a plea of guilty by an accused in a trail is not akin to the concept of a confession as is dealt with in the Evidence Act. The taking of plea of an accused is obviously the most crucial part of the proceeding of the trial. The court has to proceed with extreme caution and utmost circumspection before he accepts the plea of guilty of the accused sentence, then it would be a question of plea bargaining. Here the court has no other alternative but to convict the accused according to law and proceed to sentence him such a harsh term.[li]

However, the Delhi High Court in case of ***Kashi Mandal and Ors. V. State and Anr.,***[lii] opined that the offence committed by the petitioner was not minor offence of trivial nature involving some loss of money individually to the respondent. The petitioner first stole the cheque, forged the signature of the complainant on the cheque, and verified what was the amount lying in the bank, prepared forged cheque of the complainant of almost entire amount lying in the bank, opened another account in his name and then got the entire amount transferred in his name. The offence was for forgery, theft apart from cheating were prime-facie committed. Considering seriousness of the offences committed by the petitioner, it was considered that it would not be appropriate to quash the FIR. The option of plea bargaining was available to the petitioner. The petitioner should resort to this option of plea bargaining if so advised.

In case of ***Thippeswamy v. State of Karnataka,***[liii] the Supreme Court found that accused seems to have pleaded guilty for getting lighter sentence of Rs. 1000/- even though the offence of which he was convicted was one under Section 304-A of the Penal Code. The High Court, in appeal by the State, acting upon the plea of guilty, maintained the sentence of fine and additionally imposed the substantive sentence of rigorous imprisonment for a period of one year. It is obvious that by reason of plea bargaining, the appellant pleaded guilty and did not avail of the opportunity to defend himself against the charge, which is a course which he would certainly not have followed if he had known that he would not be let off with a mere sentence of fine but would be sentenced of imprisonment. It would be clearly violative of Article 21 of the Constitution to induce or lead an accused to plead guilty under a promise or assurance that he would be let off lightly and then in appeal or revision, to enhance the sentence.

Courts in India did not have occasion to consider directly the impact of plea bargaining on the administration of criminal justice. It cannot be doubted that in quite a few trials and in the appeals against trial convictions, sentences are awarded taking into account suggestions made by the counsel for the defendant and agreed to by the prosecutors. These informal compromises do not have the sanction of law. Nevertheless, they are often acted upon without making specific reference to the compromise in the judgment of the courts concerned.

The above discussion has shown that the response of judiciary at initial stage was not in favour of the concept of plea bargaining but subsequently after incorporation of provisions of plea

bargaining in the Cr. P. C., the attitude of judiciary seems to be favourable to the system of plea bargaining.

CONCLUSION/SUGGESTIONS

It would be appropriate herein to find out the solutions of the challenges which the above procedure entails for the Indian judiciary to ensure that the process may develop into a fruitful and beneficial reality.[liv] The suggestions narrated here in below may meet out some of the challenges and system of plea bargain may result as one of the most desired and accepted mode of resolution of criminal dispute in India and may be very potent factor to expedite and handle the sluggish and slumbering state of the justice delivery system. It is suggested that:

- Socio offences should be included in the plea bargain system. There are two reasons for that one is that there is very low conviction rate of trail cases. Inclusion of plea bargain may increase the conviction rate as in genuine cases the offender may be able to opt the plea bargain. Secondly, if offender is given chance to opt for plea bargain, he may get chance to repent and that may reform him that ultimately will help in maintain peace in family and society which is inevitable for all round development of our country.[lv]
- Adequate and appropriate steps should be taken to prevent misuse of system of plea bargain as an innocent person accused of an offence may accept a sentence only to avoid the risk of a bigger sentence in a trial, even if he did not deserve it.
- The accused must invariably be represented by counsel.
- The accused in plea bargaining cases is at a lower pedestal for all purpose for some concession in terms of sentencing or fine. In any case, having entered plea bargaining the accused gives up hid right to follow the procedure of trial as laid down under the Cr. P. C. and submits himself to an alternative's mode of disposal of cases. Hence, it is even more important in such cases that he be given a chance to plead his case at higher forum if aggrieved by the decision of the lower courts. Otherwise if the discretion given to the Court is made so great that no appeal can be brought against the report of the mutually satisfactory disposition, then the chances of misuse of discretion are

tremendous. Thus, looking at the special circumstances and the peculiarity of the circumstances it becomes discernible that at least one chance of appeal be granted to the accused who enters plea bargaining. Therefore, accused should be provided right of one appeal on limited ground of deception, coercion, threat or violence or on the ground that order was not in consonance with the agreement arrived during plea bargain proceedings.

- Plea bargaining should also be extended at appellant stage.
- Plea bargaining should not only be allowed for commission of same offence but also it should not be allowed in the same kind of offences.
- As in case of failure of plea-bargaining applications a judge or magistrate may be biased against the accused as in the event of the application being rejected, they may well oversee the trial knowing that the accused was previously prepared to plead guilty. Therefore, these proceedings should be strictly confidential.
- The probation officers, Welfare Officers of the Jail and the Superintendents of Jails must be made responsible to conduct the programme among the under-trial prisoners so that they may get information for taking the benefit of the concept of plea bargaining.
- Training to Judicial Officers at the National, Regional and State Judicial Academics on the subject of Plea Bargaining under the scheme of continuing Legal Education should be imparted.[lvi] This would certainly improve their dexterity and capability to achieve the desires results. Moreover, positive change of attitude and concern will be the result of intensive training to the judicial officers.
- If the court finds that, having regard to the gravity of the offence or any of the circumstances, which the public prosecutor or the aggrieved party may bring to its notice, or he reason to believe that it is not a fit case for exercise of its powers on plea bargaining, the court should invariable reject the application at the initial stage, by giving reasons thereof.
- They should classify the disputes and litigations where individual general public are involved, e.g., cases u/s 138 of Negotiation Act, and cases under special Acts accused should be informed about the system of plea bargaining.
- The judge must be satisfied that the accused is pleading guilty knowingly and voluntarily.

- In order to ensure due process and respect for the Indian Criminal Justice System, any plea-bargaining scheme must be carefully regulated and visible.[lvii]
- If the victim or complainant is dead and his family members do not wish to prosecute the accused but instead want to enter into negotiation with the accused, they should be permitted to join the plea bargain proceedings.
- Every prosecutor in the country must master the provisions of Chapter XXIA of the Code relating to plea-bargaining. Intensive training at the instance of the State Legal Services Authorities for prosecutors is highly essential. Services of eminent judges and jurists can be utilized. Along with the prosecutors, investigating officers also should be sensitized on the importance of these provisions.

Indian society is not so progressive as the other developed societies. The literacy level, the status of understanding of the people is not such standard in which we can claim that the decision taken by the offender to confess is always in the interest of justice. A well-established principle of the criminal justice system is that hundreds of culprits may escape from punishment but one innocent should not be punished. Therefore, in society the emphasis should be on the justice and it shouldn't be on the number of the cases. The system of plea bargaining, therefore, should be applied with great caution. This is an innovative experiment and the required result will not come unless the judges, the prosecutors and defence lawyers take a lead in impressing upon the accused and the victim the benefits and sincerely work towards getting rid of weak prosecution cases in the criminal justice system.

The aim of criminal law is to protect the right of individual against the invasion by others, to protect the weak against the strong, the law abiding against the offender. It is the solemn duty of the State to protect the life, liberty and property of the citizens. The administration of criminal justice required keeping the streets, free of criminals and the innocent out of prison. If guilty remain free, they infect society, thwarting the purpose of the justice system. The innocent in prison have their liberties infringed as he has been unjustly removed from society, which challenge the justice system's legitimacy. The smooth functioning of system of plea bargaining may help in attaining the effective criminal justice system.

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[xxxv] *Ibid.*
[xxxvi] Section 265 B (3) Cr. P. C.
[xxxvii] Section 265 B (4) Cr. P. C.
[xxxviii] Section 265 C Cr. P. C.
[xxxix] Section 265 E (a) & (b) Cr. P. C.
[xl] Section 265 E (c) Cr. P. C.
[xli] Section 265 E (d) Cr. P. C.
[xlii] Section 265 K Cr. P. C.
[xliii] Section 265 I Cr. P. C. ; Section 428 of Cr. P. C. provided that , "Period of detention undergone by the accused to be set off against the sentence of imprisonment. Where an accused person has, on conviction, been sentenced to imprisonment, for a term [not being imprisonment in default of payment of fine,] the period of detention, if any, undergone by him during investigation, inquiry or trial of the same case and before the date of such conviction shall be set off against the term of imprisonment imposed on him on such conviction and the liability of such person to undergo imprisonment on such conviction shall be restricted to the remainder, if any, of the term of imprisonment imposed on them.
[xliv] Section 265 G Cr. P. C.
[xlv] Section 265 L Cr. P. C. : Section 2(K) of the Juvenile Justice (care and Protection of Children) Act, 2000 provides that. "Juvenile" or "child" means a person who has not completed eighteen years of age".
[xlvi] Speech of Former Chief Justice of India, hon'ble Mr. Justice Y.K. Subbarwal, at the inauguration of joint Conference of Chief Minister held on 11th March, 2006.

[xlvii] A.I.R. 2001 S.C. 3173: (2001) 7 S.C.C. 318: 2001 Cri. L. J. 3979.
[xlviii] *A Fundamental Principle of Natural Justice*, available at http://sixthformlaw.info/03_dictionary/dict_no.htm > (Last updated Feb 23,21016) .
[xlix] 1980 (3) S.C.C. 120.
[l] 2008 (1) AIC L.R. 173.
[li] *Ibid*.
[lii] IV (2010) BC 209.
[liii] 1983 (2) R.C.R. (Criminal) 99: 1983 A.I.R. (SC) 747
[liv] A. K. Sikri, *Reforming Criminal Justice System: Can Plea Bargaining be the answer?* 8 N. D. 39-60 at 46 (2007).
[lv] Abraham P. Meachinkara, *Plea Bargaining: A Revaluation*, 4 K.L.T. 45-56 at 55 (2010).
[lvi] Prajwal Khatiwada,*Plea Bargaining and our Criminal Justice System*, 2 Cri L. J. 139-140 at 140 (2010).
[lvii] Manjot Ahluwalia, *Reception of Plea Bargaining in the Indian Justice Dispensation System*, 35(1&2) I.S.L.J. 49-50(2009).