**SUMMARY TRIAL:-**

Summary Trial necessarily means speedy disposal in the criminal justice system. It has been explained in Chapter XXII of the Criminal Procedure Code. Summary trials can be held only by a District Magistrate or a Magistrate of the first class empowered in that behalf.[[1]](#footnote-1) The objective of a summary trial is to prevent unnecessary obstruction by a defendant who has no defence and come to a conclusion in an expeditious manner.

The object of summary trial is to have a record which is sufficient for the purpose of justice, and yet, not so long as to impede a speedy disposal of the case. In other words, a summary trial is summary only in respect of the record of its proceedings, and not in respect of the proceedings themselves, which should be complete and carefully conducted, as in any other criminal case.[[2]](#footnote-2)

**Statutory Provisions:**

Chapter XXII of the Code speaks about the summary procedure to be followed in the particular criminal court where the case has been initiated. Section 260 of the Code highlights the nine offences which are eligible for summary trials. The offences are as under:-

(i) Offences not punishable with death, imprisonment for life, or imprisonment for a term exceeding two years

(ii) Theft, under S. 379, S. 380 or S. 381 of the Indian Penal Code. 1860, where the value of the property stolen does not exceed Rs. 2,000

(iii) Receiving or retaining stolen property, under S. 411 of the Indian Penal Code, where the value of the property does not exceed Rs. 2,000

(iv) Assisting in the concealment or disposal of stolen property, under S. 414 of the Indian Penal Code, where the value of such property does not exceed Rs. 2,000;

(v) Offences under S. 454 and 456 of the Indian Penal Code (namely, lurking house trespass)

(vi) Insult with intent to provoke a breach of the peace, under S. 504, and criminal intimidation punishable with imprisonment for a term which may extend to two years, or with fine, or with both, under S. 506 of the Indian Penal Code;

(vii) Abetment of any of the foregoing offences;

(viii) An attempt to commit any of the foregoing offences, when such attempt is also an offence; and

(ix) Any offence constituted by an act in respect of which a complaint may be made under S. 20 of the Cattle Trespass Act, 1871.[[3]](#footnote-3)

Section 262 of the Act provides that a summary trial is bound to follow the same procedure as the summons trial i.e. Registration of FIR, Investigation, Before the Magistrate, Plea, Conviction in case of guilty plea, further process(if accused does not plead guilty, witnesses, etc. A summary trial is “summary” only in respect of the record of its proceedings, and not in respect of the proceedings themselves, which should be complete and carefully conducted, as in any other criminal case.

**Salient Features of the Trial:-**

Summary Trial primarily deals with cases where the offences are of minor and simple nature. In every case tried in a summary fashion in which the accused does not plead guilty, the Magistrate must record the substance of the evidence, and a judgement containing a brief statement of the reasons for the finding. Every such record and judgement must be written in the language of the Court.[[4]](#footnote-4) The Magistrate cannot impose a sentence of imprisonment of any term exceeding three months for any conviction under this Chapter. Therefore, any sentence that exceeds this period would be illegal. If the Magistrate is of the opinion that a longer period of imprisonment is necessary in the interest of justice, the trial should be held as in a warrant-case or a summons-case, according to the nature of the offence.

In a summary trial, the statement of witnesses are briefly and generally compiled summarily. The magistrate doesn’t have to file a formal charge. No formal chargesheet has to be drawn up. The entirety of the evidence need not be recorded in case of summary trials and only a brief outline is necessary.

**Judicial Pronouncements**:-

As pointed out by the Allahabad High Court, if the case is a complicated one, it should not be tried summarily (Dina Nath Case[[5]](#footnote-5)). The Bombay High Court has observed that if the accused is deaf and dumb, it would be convenient to try him summarily. (Deaf & Dumb Man Case)[[6]](#footnote-6). As regards punishment, a Magistrate can impose a sentence of imprisonment in default of payment of fine in addition to the maximum sentence of three months’ imprisonment which he has imposed for the offence.[[7]](#footnote-7)

A Magistrate convicted an accused summarily of a Municipal offence, without issuing any process or making any record of the proceeding, and without even dismounting from a pony on which he was riding. The Court held that the record must have been prepared after the close of the “trial” from memory or from rough notes, and that the entire procedure was illegal.[[8]](#footnote-8)

Also, the magistrate can order for fine or penal provision in case where there seem to be no reasonable ground for the accusation.[[9]](#footnote-9)

1. http://delhihighcourt.nic.in/writereaddata/upload/CourtRules/CourtRuleFile\_YGA6Z61I.PDF [↑](#footnote-ref-1)
2. http://www.shareyouressays.com/knowledge/difference-between-summary-trial-and-ordinary-trial-explained/117993 [↑](#footnote-ref-2)
3. Section 260, Code of Criminal Procedure, 1973 [↑](#footnote-ref-3)
4. http://crlreview.in/summary-trials-under-crpc/ [↑](#footnote-ref-4)
5. 1913 35 All. 173 [↑](#footnote-ref-5)
6. 1906 B.L.R. 849 [↑](#footnote-ref-6)
7. 1883 6 All. 61 [↑](#footnote-ref-7)
8. 1891 15 Mad. 53 [↑](#footnote-ref-8)
9. 1993 Cri LJ 1899 (Bom) [↑](#footnote-ref-9)