



A Study on the Scope of Remand Under Criminal Procedure Code

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ABSTRACT

The code outlines procedures that criminal Courts must follow, the code offers the tools necessary to enforce rights and obligations. If the appellate court reverses the judgment that was previously passed and the trial court decides the suit on a preliminary point without recording findings on further issues, the case may be sent back to the trial court for further consideration. The code has no bearing on regional or particular laws. The importance for legal scholars, practitioners, and individuals seeking a comprehensive understanding of the criminal justice system's operational dynamics. A survey is used to collect the data, with a sample size of 201. The review employs an accommodation testing methodology to acquire the data. The examples were collected from the general populace with particular attention on the Chennai region. The respondents gender, age, educational level, occupation, monthly wage, and marital status are autonomous factors. The secondary variables include whether respondents believe that remand is a helpful procedure in criminal cases, whether they are aware of the various remand procedures, the various scope of the remand procedure in criminal cases, whether they agree that remand in criminal cases is misused or not, and their opinions on the usefulness of various types of remand. Charts were used by the scientist to organize the information. This study aims to examine and analyze the scope of remand under the criminal Procedure Code.

Keywords: Remand, Litigation, Special laws, Implementation, Appellate courts

1. Introduction

The scope of remand under the Criminal Procedure Code (CrPC) is a pivotal aspect of the legal framework governing the detention of individuals accused of committing criminal offenses. This crucial facet of criminal justice involves the temporary confinement of a suspect in police custody or judicial custody during the pendency of investigations or trial proceedings. Understanding the intricacies of remand is fundamental in safeguarding the rights and liberties of the accused, ensuring a fair and just legal process. It is imperative to delve into the various forms of remand available under the CrPC, such as police custody, judicial custody, and anticipatory bail. Each type serves distinct purposes and is subject to specific legal provisions and safeguards. Additionally, comprehending the criteria that govern the granting or denial of remand, as well as the duration of such confinement, is crucial for both legal practitioners and individuals involved in the criminal justice system. An exploration of recent legal precedents and evolving interpretations of remand provisions sheds light on how this aspect of criminal procedure continues to adapt to contemporary societal needs and values. Analyzing the scope of remand also enables a critical examination of the balance between the interests of law enforcement agencies in conducting thorough investigations and the fundamental rights of the accused, including the right to personal liberty. Government initiatives, pGuidelines for Detention, Setting Time Limits for Remand, Legal Aid and Access to Counsel. Factors affecting, Previous Criminal Record, Cooperation with the Investigation, Likelihood of Tampering with Evidence or Influencing Witnesses. The importance for legal scholars, practitioners, and individuals seeking a comprehensive understanding of the criminal justice system's operational dynamics. It underscores the delicate equilibrium that must be maintained to uphold justice, protect criminal liberties, and ensure a transparent and accountable legal process for all parties involved.

Objectives

- * To know whether remand is a beneficial procedure in criminal cases
- * To know the various scope of the procedure of remand in criminal cases.
- * To understand the utility of various types of remand
- * To know whether remand in criminal cases are misused or not

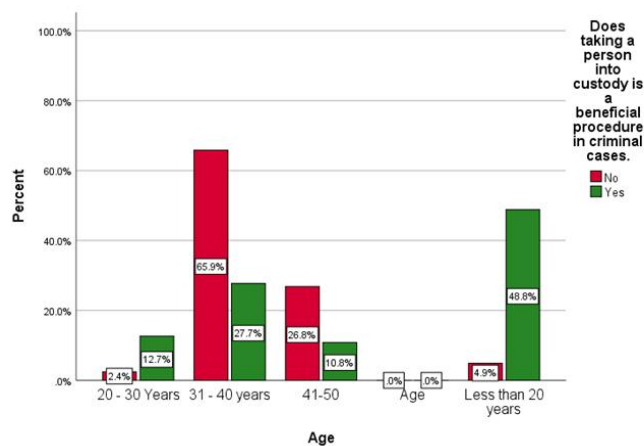
1.1 Review of Literature

Yannick van den Brink (2021) researched Remand decision-making in the youth court. A comparative analysis of youth remand and bail in England & Wales and the Netherlands. This article presents the findings of an in-depth comparative study of remand decision-making in youth courts in England & Wales and the Netherlands. Tom Smith (2020) researched on Rushing Remand? Pretrial Detention and Bail Decision Making in England and Wales. Deprivation of liberty as part of the criminal process is always a significant step, and arguably even more so when the person so deprived has not yet been convicted of an offense. A. Hucklesby (1997) researched Remand decision makers. This article discusses the role of the various professional decision makers involved in the remand process. It argues that although, in theory, magistrates make remand decisions, in practice, many remand decisions are taken prior to the court hearing by other participants. Andrzej Sakowicz (2022) researched on The impact of the case law of the Constitutional Tribunal on the standard of detention on remand in Poland. Detention on remand is intrinsically linked to the fundamental rights and freedoms of the individual and, in particular, to personal freedom, the right to a fair trial and the principle of the presumption of innocence. Lisa Mary Armstrong (2022) researched on Remanding Women: Exploring the scope for using therapeutic jurisprudence as a framework in the bail and remand decision-making process. Oscar Bloem, Robbert-Jan Verkes, Erik Bulten (2021) researched on The Course of Psychiatric Symptoms During Remand Imprisonment. Imprisonment may pose a risk for unintended effects such as deterioration of psychiatric symptoms. (Bloem et al., 2023) Oscar Bloem, Erik Bulten, Robbert-Jan Verkes (2019) researched on Changes in subjective wellbeing of prisoners on remand. The purpose of this paper is to explore this development in a longitudinal study in association with mental disorders and socioeconomic factors. Philippa Tomczak (2022) researched on Highlighting "Risky Remands" Through Prisoner Death Investigations: People With Very Severe Mental Illness Transitioning From Police and Court Custody Into Prison on Remand. Prison suicide/self-inflicted death is an international public health crisis, harming stakeholders including bereaved families, prisoners, prison staff and death investigators. Pradnya P. Sathe, Shubhalaxmi D. Kotnis, S. K. Manguliker (2017) researched on the study of psycho-social background of children placed in remand home. Children are one of the most vulnerable groups of societies and are at risk of many social evils. They should be identified and provided a protective environment and loving care for their adequate growth and development. D Mason, L Birmingham, Donald Grubin (1997) researched on the Substance use in remand prisoners: A consecutive case study. To determine the prevalence of drug and alcohol use among newly remanded prisoners, assess the effectiveness of prison reception screening, and examine the clinical management of substance misusers among remand prisoners.

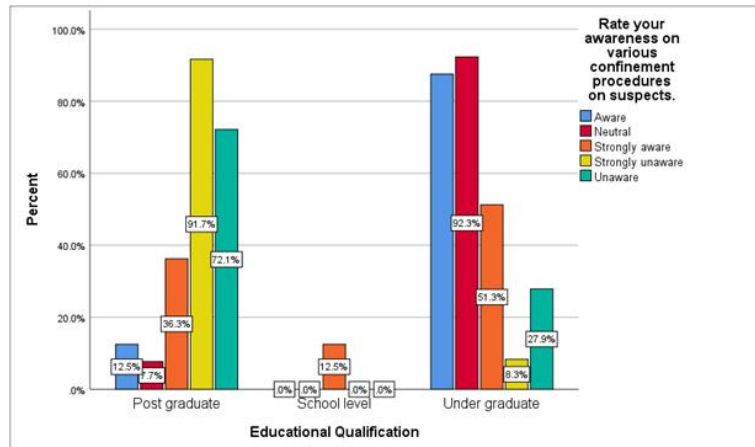
1.2 Methodology

The research method followed is empirical research. Convenience sampling method was adopted. The data is collected through a questionnaire and the sample size is 200. The samples were collected from Friends, relations through google form in Chennai region and also from Thiruverkadu bus stand. The independent variables are gender, age, education qualification, occupation and place of living. The dependent variables are Rate your awareness on various confinement procedures on suspects. The court provides an order of remand for a person who is considered as a victim. The court provides an order of remand for a person who is considered as a victim. Researcher used graphs to analyze the data collected.

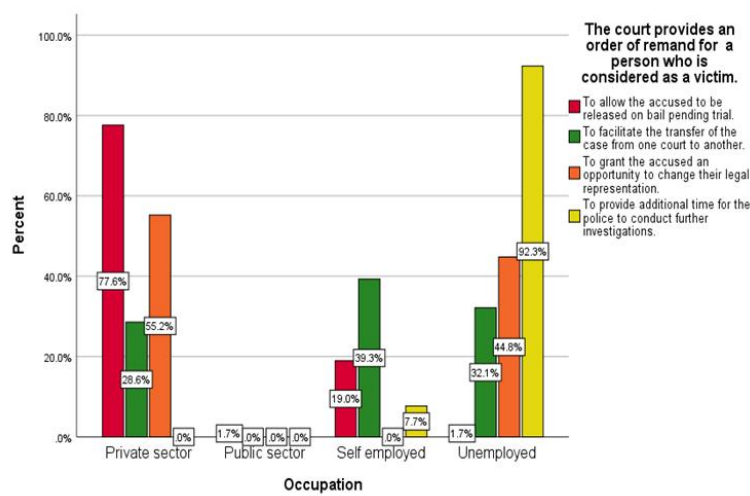
1.3 Analysis



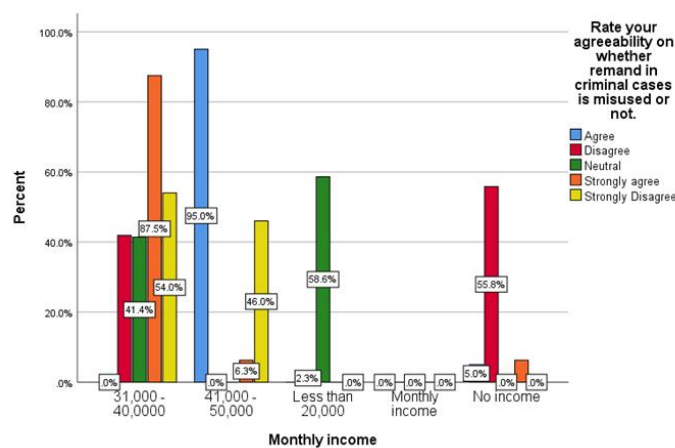
Legend: Figure 1 shows does taking a person into custody is a beneficial procedure in criminal cases by age.



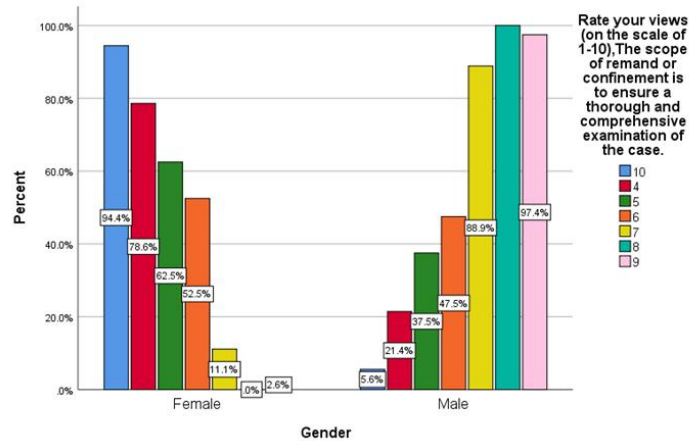
Legend: Figure2 shows awareness on various confinement procedures on suspects by education qualification.



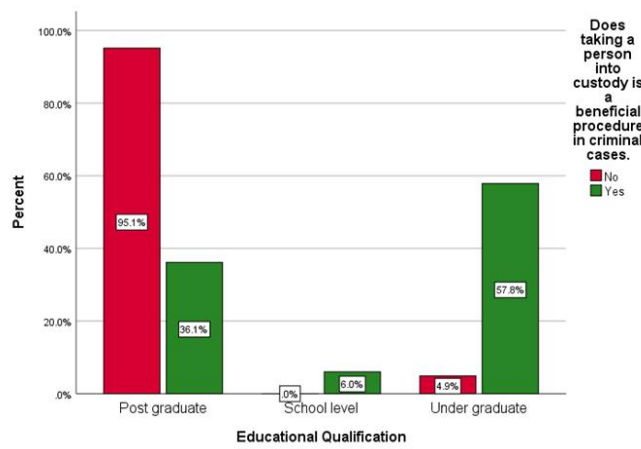
Legend: Figure3 shows The court provides an order of remand for a person who is considered as a victim by occupation.



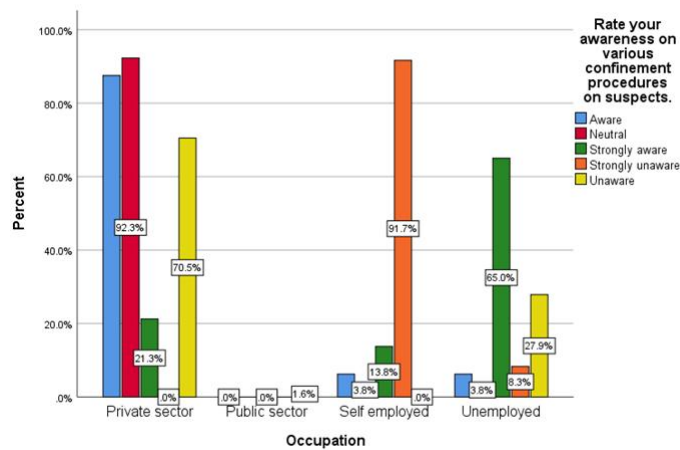
Legend: Figure 4 shows rate you are agreeability on whether remand in criminal cases is misused or not by income.



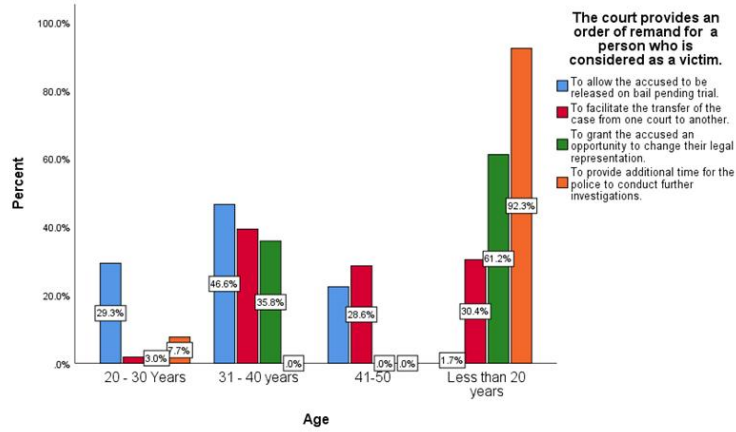
Legend: Figure 5 shows The scope of remand or confinement is to ensure a thorough and comprehensive examination of the case by gender.



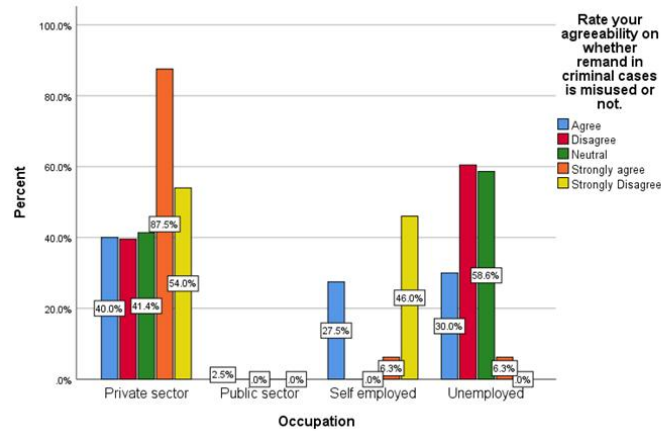
Legend: Figure 6 shows Does taking a person into custody is a beneficial in criminal cases by educational qualification.



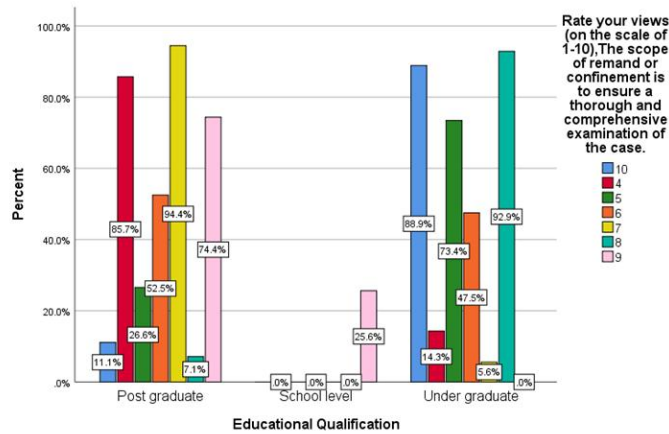
Legend: Figure 7 shows awareness on various confinement procedures on suspects by occupation.



Legend: Figure 8 shows The court provides an order of remand for a person who is considered as a victim by age.



Legend: Figure 9 shows rate you are agreeability on whether remand in criminal cases is misused or not by occupation.



Legend: Figure 10 shows The scope of remand or confinement is to ensure a thorough and comprehensive examination of the case by educational qualification.

2. Results

Figure 1 shows the statement does taking a person into custody is a beneficial procedure in criminal cases, the respondents of age group less than 20 years 48.8% have stated yes to the statement. Figure 2 shows rate your awareness on various confinement procedures on suspects, the respondents of undergraduates 51.3 % stated strongly aware to the statement. Figure 3 shows that the statement the court provides an order of remand for a person who is considered as a victim, the respondents of private sector stated “To allow accused to be released on bail pending trial”(77.6%). Figure 4 shows the statement rate your agreeability on whether remand in criminal cases is misused or not, the respondents of monthly income ₹31000-40000 (56.6%) stated neutral to the statement. Figure 5 shows the scope of remand or confinement is to ensure a thorough and comprehensive examination of the case, the male respondents rated 7 to the statement. Figure 6 shows the statement does taking a person into custody is a beneficial procedure in criminal

cases, the respondents of educational qualification (undergraduate) 57.8% have stated yes to the statement. Figure 7 shows rate your awareness on various confinement procedures on suspects, the respondents of the private sector 92.3 % stated neutral to the statement and 65% of self employed stated strongly aware of the statement. Figure 8 shows that the statement the court provides an order of remand for a person who is considered as a victim, the respondents of age group 31-40 stated "To allow accused to be released on bail pending trial"(46.6%) and less than 20 years (92.3%) stated to provide additional time for Police to conduct further investigations. Figure 9 shows the statement rate your agreeability on whether remand in criminal cases is misused or not, the respondents of private sector (87.5%) stated strongly agree to the statement. Figure 10 shows the scope of remand or confinement is to ensure a thorough and comprehensive examination of the case, the respondents undergraduates rated 5 to the statement and post graduates rated 6 to the statement.

3. Discussion

Figure 1 shows the statement does taking a person into custody is a beneficial procedure in criminal cases, the respondents of age group less than 20 years 48.8% have stated yes to the statement. This could be due to various factors, such as their limited experience with the legal system or a perception that custody is necessary for maintaining law and order. Figure 2 shows rate your awareness on various confinement procedures on suspects, the respondents of undergraduates 51.3 % stated strongly aware to the statement. Undergraduate students may have received formal or informal education that includes discussions of legal and criminal justice topics, which could explain their higher level of awareness compared to other demographics. Figure 3 shows that the statement the court provides an order of remand for a who is considered as a victim, the respondents of private sector stated "To allow accused to be released on bail pending trial"(77.6%). This finding underscores the need for legal education and awareness, especially among individuals in the private sector. Figure 4 shows the statement rate your agreeability on whether remand in criminal cases is misused or not, the respondents of monthly income ₹31000-40000 (56.6%) stated neutral to the statement. This neutrality may indicate a lack of strong opinions or a perception that they are not well-informed about the issue. Figure 5 shows the scope of remand or confinement is to ensure a thorough and comprehensive examination of the case, the male respondents rated 7 to the statement. This high rating might indicate that male respondents, on average, have a good understanding of the role of remand in the legal process. Figure 6 shows the statement does taking a person into custody is a beneficial procedure in criminal cases, the respondents of educational qualification (undergraduate) 57.8% have stated yes to the statement. The data suggests that a significant percentage of respondents with undergraduate qualifications view taking a person into custody as a beneficial procedure. Figure 7 shows ,rate your awareness on various confinement procedures on suspects, the respondents of the private sector 92.3 % stated neutral to the statement and 65% of self employed stated strongly aware of the statement. The difference in awareness may be influenced by occupational factors. Self-employed individuals might have specific interests or experiences that make them more attentive to legal and confinement procedures, whereas those in the private sector may not have such direct exposure. Figure 8 shows that the statement the court provides an order of remand for a who is considered as a victim, the respondents of age group 31-40 stated "To allow accused to be released on bail pending trial"(46.6%) and less than 20 years (92.3%) stated to provide additional time for Police to conduct further investigations. It is possible that younger respondents have different expectations about the criminal justice system based on their experiences or exposure to information. Figure 9 shows the statement rate your agreeability on whether remand in criminal cases is misused or not, the respondents of private sector (87.5%) stated strongly agree to the statement. Respondents in the private sector may have specific reasons or experiences that lead them to believe that remand is not always used appropriately in criminal cases. Figure 10 shows the scope of remand or confinement is to ensure a thorough and comprehensive examination of the case, the respondents undergraduates rated 5 to the statement and post graduates rated 6 to the statement. Postgraduates, who have advanced degrees and potentially more specialized knowledge, may have a slightly more nuanced or informed perspective.

4. Conclusion

The code contains procedures to be implemented by criminal Courts. The code provides the means to enforce rights and liabilities. Remand means to send back. Where the trial court has decided the suit on a preliminary point without recording findings on other issues and if the appellate court reverses the decree so passed, it may send back the case to the trial court to decide other issues and determine the suit . Thus remands in criminal cases are being misused a lot . The major findings of this research is that remand in criminal cases is made for various utility purposes like for the custody of a person in order to ensure the accused attends the court, for the protection of the victims. The appellate court will always remand to the lower courts. Thus remands in criminal cases have many scopes. It is suggested that the remand in criminal cases is mostly misused and is to be properly used for its perfect scope. the effective regulation of remand ensures that the process adheres to legal standards, respects human rights, and upholds the principles of justice. It serves as a cornerstone in maintaining the delicate equilibrium between the interests of law enforcement and the protection of civil liberties. Through these measures, the CrPC continues to play a pivotal role in safeguarding the rights and liberties of all parties involved in the criminal justice system.

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