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# **PROSECUTOR'S ROLE IN PROTECTING VICTIM'S RIGHTS IN CRIMINAL TRIALS: A CRITICAL ANALYSIS IN RESPECT OF PRACTICE**

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## **ABSTRACT**

The prosecutor's role in criminal proceedings has conventionally been viewed as representing the State and ensuring that offenders are held accountable. In contemporary criminal jurisprudence, the role of the prosecutor has expanded to encompass the safeguarding and advancement of victims' rights within the criminal justice framework. This research rigorously analyses the function of prosecutors in protecting victims' rights during criminal prosecutions in India, focusing on practical issues and institutional constraints. The article examines the legal framework regulating prosecutorial responsibilities, encompassing statutory provisions, judicial interpretations, and policy advancements designed to enhance victim participation and protection. It underscores the essential role of prosecutors as a crucial intermediary between victims and the criminal justice system by promoting equitable representation, ensuring the accurate presentation of evidence, and averting procedural injustices. Though positive legal improvements, victims frequently remain marginalised due to restricted involvement, insufficient awareness, and systematic delays. The research examines factors including prosecutorial discretion, accountability and collaboration with investigative authorities, which substantially affect the effective safeguarding of victims' rights. The study underscores the necessity for a more victim-centric prosecuting approach by assessing current methods and analytical implementation deficiencies. Enhancing prosecutorial accountability, bolstering institutional support and fostering victim involvement are crucial for guaranteeing equity, transparency and justice in criminal proceedings.

**Keywords:** *Prosecutor, Victims' Rights, Criminal Justice System, Prosecutorial Discretion, Victim Participation.*

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## Introduction:

Crime has always existed in human civilisation, even though it may not have been widely accepted at the time. It is an “*integral part of all healthy societies*,” according to Emile Durkheim.<sup>1</sup> Therefore, criminal activity is considered an essential feature of any social structure.<sup>2</sup> Every civilisation has developed organised systems to control misconduct and settle disputes since crime is a constant and intrinsic part of social organization.<sup>3</sup> There has to be a formal criminal justice system in place to address this requirement. The Indian legal system has developed into a complex structure that serves several purposes, including the prevention of crime, the punishment of those responsible, the preservation of social order, and the eventual acknowledgement of the worth and rights of victims of crime.

There are many moving parts in India’s criminal justice system, but its overarching goal is to keep the peace by punishing criminals and protecting the innocent.<sup>4</sup> The Judiciary, along with other branches of government, works tirelessly to control and prevent crime, keep the peace, and safeguard the rights of victims. Although the core functions of India’s criminal justice system have always been investigation, prosecution, and adjudication, there has been a growing recognition that victims’ rights must be upheld for justice to be fully served.<sup>5</sup> As a whole, the system functioned for quite some time as a state-versus-accused paradigm, with the crime being viewed more as a social wrong than a personal wrong. Institutions continued to prioritise offender punishment and accused rights protection, frequently to the exclusion of victims’ active participation. The structural focus of the system eventually gave way to claims that victims’ emotional, financial, and psychological suffering went unaddressed, despite the institution’s rigorous procedures.

Thus, new theories on victims’ rights aim to level the playing field by incorporating

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<sup>1</sup> John Hamlin, “*The Normality of Crime: Durkheim and Erikson*”, Department of Sociology and Anthropology, online available at: [https://www.d.umn.edu/cla/faculty/jhamlin/4111/Durkheim%20-%20Division%20of%20Labor\\_files/The%20Normality%20of%20Crime.pdf](https://www.d.umn.edu/cla/faculty/jhamlin/4111/Durkheim%20-%20Division%20of%20Labor_files/The%20Normality%20of%20Crime.pdf)

<sup>2</sup> N.V. Paranjpe, *Criminology & Penology including Victimology*, 3<sup>rd</sup> edn., Central Law Publication, Allahabad, 2014 at p. 3.

<sup>3</sup> Vaughan, Diane, “*Criminology and the sociology of organizations*”, *Crime Law and Social Change*, Volume 37 (2002) at pp. 117-136.

<sup>4</sup> Prabhanshu Bansal, Dr. Parantap Kumar Das “*Understanding the Purpose of the Criminal Justice System in India: Role of Police Interrogation*”, *International Journal of Novel Research and Development*, Vol. 10, Issue 2, (2025) at pp. a378–a379

<sup>5</sup> Ashi Bansal and Manisha Matolia, “*Victim-Centric Governance in the Criminal Justice System: Policy and Practice Analysis with Special Reference to India*”, *Advances in Consumer Research*, Issue 5, on 2025, November 25 at pp. 92128-2134.

victim involvement, reparation, protection, and access to information into criminal trials.<sup>6</sup> Thus, the criminal justice system's overarching goals are bolstered and augmented by the victims' rights movement, which works to safeguard not only the innocent but also those who have been wrongfully accused or damaged by criminal activity. The goal is to create a criminal justice system that is more compassionate, welcoming, and restorative, one in which victim interests are central rather than ancillary. Supporters of victims' rights in criminal justice proceedings call themselves the victims' rights movement. Defence of victims' rights had long since taken a back seat. A central focus of the discussion has evolved into victims' rights over time. From the moment an offence is reported to the investigative agency until the charge is filed and the trial begins, the prosecuting officials take center stage, leaving the victim in the dust.<sup>7</sup>

The victim would traditionally take the perpetrator to court to demand appropriate punishment in the past. As time went on, the community as a whole came to view criminal activity as an affront to "King's peace," which harmed nobody but the victim. Being a guardian of the community, the state began to represent the victim in criminal prosecutions. Some theories that protect the accused from being dehumanised because of criminal accusations began to emerge gradually in an effort to forestall the danger of state excesses.<sup>8</sup> The role of the Public Prosecutor in Indian criminal proceedings goes beyond that of a mere state representative; they are also an officer of the court charged with upholding justice. Fairness, the presentation of all pertinent evidence, and the prevention of unjust conviction are the expectations of the prosecutor.<sup>9</sup> The victim's right to a fair trial is being more recognised in recent statutes, which grant them the opportunity to be heard during the bail hearing, the ability to hire an attorney to aid the prosecution, and the right to seek restitution. Under this system, the Public Prosecutor acts as the principal intermediary between victims and the legal system. Therefore, it is the duty of the prosecutor to meet with victims, update them on the status of the

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<sup>6</sup> Chakraborty, D., & Singh, Dr. A., "Victim rights and participation in criminal proceedings", International Journal of Advanced Research in Science, Communication and Technology, 3(1), (2023) at pp. 741–742. <https://doi.org/10.48175/IJARST-14100L>

<sup>7</sup> Dr. Vidushi Puri, & Shambhavi Gour, "Victims' Rights and Participation in Criminal Justice: A Victim-Centred Legal Approach", International Journal of Engineering Science & Humanities, 15(4), (2025) at pp. 441–455. Retrieved from <https://www.ijesh.com/j/article/view/452>

<sup>8</sup> Shreya Saraiya, "Victim Participation In Criminal Justice System: An Indian Perspective", on December 13, 2022, online available at: <https://www.livelaw.in/columns/victims-rights-code-of-criminal-procedure-victim-participatory-rights-216547>

<sup>9</sup> [Jude Angelo](#), "[Beyond Reasonable Doubt: A Prosecutor's Views on the Criminal Justice System](#)", available at: [https://www.dakshindia.org/Daksh\\_Justice\\_in\\_India/prosecutors-role-criminal-justice-india](https://www.dakshindia.org/Daksh_Justice_in_India/prosecutors-role-criminal-justice-india)

case, identify variables that will have an influence on the victims, and back requests for compensation and protection.<sup>10</sup>

The recognition of the victim's right to a fair trial has been increasingly reflected in recent legislative measures. These statutes provide victims with the opportunity to present their perspectives during bail hearings, the ability to retain legal counsel to assist in the prosecution, and the right to pursue restitution for their losses. Within this framework, the Public Prosecutor serves as the primary intermediary connecting victims with the legal system. Consequently, it is incumbent upon the prosecutor to engage with victims, provide updates regarding the case's status, identify factors that may impact the victims, and support requests for compensation and protective measures.<sup>11</sup> Prosecutors sometimes demonstrate a propensity to prioritise conviction rates, frequently to the detriment of victim restoration and engagement in the judicial process. The absence of mandatory conferences between victims and prosecutors, coupled with the lack of standardised protocols for victim communication, considerably undermines the opportunity for substantive engagement. The divergence between established legal standards and the prevailing practices calls for a comprehensive reassessment of prosecutorial functions.<sup>12</sup>

The Public Prosecutor now plays a crucial role in balancing the needs of society, the accused, and the victim, thanks to the shift in the criminal justice system from a victim-centered paradigm to one controlled by the state.<sup>13</sup> If the dynamics between the prosecution and the accused are overemphasised, victims may be marginalised and their rights to be heard and considered weakened, even though doctrines meant to protect the rights of the accused are essential in avoiding the possible abuse of state power.<sup>14</sup> After careful consideration, it is crucial that the Public Prosecutor's responsibility goes beyond only getting people convicted. Encouraging procedural fairness, helping victims participate, providing information quickly, and presenting victim impact statements and compensation applications effectively are all part

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<sup>10</sup> Eklavya Vasudev and Thomas Blom Hansen, "*Citizens and the State: Policing, impunity, and the rule of law in India*", The Hindu Centre for Politics and Public Policy, on March 01, 2024, online Available at: <https://www.thehinducentre.com/incoming/citizens-and-the-state-policing-impunity-and-the-rule-of-law-in-india/article67887312.ece>

<sup>11</sup> Reddi, P.V., "*Role of the Victim in the Criminal Justice Process*", Student Bar Review, 18(1), (2006) at pp. 1–24, available at: <http://www.jstor.org/stable/44306643>

<sup>12</sup> Ibid.

<sup>13</sup> Le, L.C., et. al. "*Mandatory Prosecution in the Changing Time: A Systematic Literature Review*", Criminal Justice Ethics, 44(1), (2025) at pp.78–106. Available at: <https://doi.org/10.1080/0731129X.2025.2476303>

<sup>14</sup> Review, C.L. "*The Place of the People in Criminal Procedure*". *Columbia Law Review*, (January 30, 2019) <https://columbialawreview.org/content/the-place-of-the-people-in-criminal-procedure/>

of it. When used with professionalism and impartiality, prosecutorial discretion can greatly strengthen victims' rights; nevertheless, when employed mechanically, it can stifle their voices.<sup>15</sup> The establishment of dedicated victim liaison units within prosecution offices, the implementation of written prosecutorial guidelines regarding victim engagement, the implementation of mandatory victim consultation prior to critical trial stages, and ongoing training in victim-sensitive trial practices are all necessary institutional reforms for a rights-based prosecutorial model. Instead of relying just on conviction rates, prosecutors' performance reviews should incorporate victim satisfaction and procedural fairness metrics. Improving accountability can also be achieved by making appointments more transparent and bolstering the independence of prosecutor offices.<sup>16</sup> The prosecution can better connect with victim-centered justice by incorporating restorative justice concepts and organised victim impact presentations. As a result, we must strengthen accountability measures, put systems in place to engage with victims, and ensure that prosecutor methods are ethical. Prosecutors who put victims first improve public faith in the justice system and uphold the fundamental rights to a fair trial.<sup>17</sup>

### **Concept and Definition of Victim:**

The term "victim" encompasses anyone who has been the recipient of harm or tragedy in its etymological sense, but in legal contexts, it has a specific meaning dictated by statutes.<sup>18</sup>

The term "victim" is defined under section 2(1)(y) of the Bharatiya Nagarik Suraksha Sanhita, 2023. "*victim means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression victim includes his or her guardian or legal heir.*"<sup>19</sup>

The Code's definition is both narrow and qualifying; it requires that the "accused person be charged," which obviously doesn't take into account cases where the victim suffers harm

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<sup>15</sup> Amirthalingam, K., "Prosecutorial Discretion and Prosecution Guidelines", Singapore Journal of Legal Studies (2013) at pp. 50–75. <https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/07/2120-2013-sjls-jul-50.pdf>

<sup>16</sup> Ilic, Goran & Matic Boskovic, Marina, "Challenges in Performance Evaluation System of Prosecutors", Revista Acadêmica Escola Superior do Ministério Público do Ceará. Volume 9, (2017) at pp. 271-286. 10.54275/raesmpce.v9i1.29.

<sup>17</sup> Garg A., "A Dynamic Theory of Prosecutorial Roles in Adversarial Trials", Asian Journal of Law and Society, Volume 11(2), (2024), at pp.152-177. doi:10.1017/als.2024.12

<sup>18</sup> Bhagtani, H. et. al., *Crime and society*, Himalaya Publishing House Pvt. Ltd., (2004) available at: <https://dde.pondiuni.edu.in/files/StudyMaterials/UG/BA-Sociology/1year/BASO1913CrimeandSociety.pdf>

<sup>19</sup>

but the perpetrator isn't located or brought to justice. Because they do not meet the criteria for victimhood as set out in the Code, victims in such circumstances are not eligible to use the protections afforded to them by the law. Despite this, a number of courts have sought to use this concept to provide victims specific rights, such as permitting victims to appear before bail hearings and providing assistance to public prosecutors in this regard.<sup>20</sup>

### **Rights of Victim:**

The resolution passed by the General Assembly of the United Nations during its 96th plenary session on November 29, 1985, regarding “the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,” represents a significant acknowledgement of the necessity to establish norms and minimum standards within international law aimed at safeguarding the rights of crime victims.<sup>21</sup> The U.N. Declaration identified four basic elements pertaining to the rights of crime victims i.e. “*access to justice and fair treatment*;<sup>22</sup> *restitution*,<sup>23</sup> *compensation*<sup>24</sup> and *assistance*<sup>25</sup>.” This article is divided into two parts. The first part seeks to analyse the extent to which India’s current legal system follows the guidelines aimed at by the United Nations Declaration from almost twenty years ago.<sup>26</sup> It also takes note of pertinent judicial dicta that have attempted to address victims’ demands. Part 2 provides a concise overview of current global trends as well as recent local events. The last section provides some

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<sup>20</sup> “*Who is a Victim under Indian Laws ?*”, Corporate Law Firm in Ahmedabad, India, online available at: <https://amlegals.com/who-is-a-victim-under-indian-laws/#>

<sup>21</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>

<sup>22</sup> Clauses 4 and 5 of the U.N. Declaration read thus:

“4. *Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.*

5. *Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.*”

<sup>23</sup> This considers deprivations enacted by both State and non-State entities. According to Clause 8 of the U.N. Declaration, restitution includes “*the return of property of payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.*” Clause 11 provides that “*where the government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.*”

<sup>24</sup> U.N. Declaration (Clause 12) the responsibilities is on the State to “*endeavour to provide financial compensation to both victims who have suffered bodily injury or impairment of physical or mental health as a result of serious crimes as well as the family of those who have died as a result of victimization.*”

<sup>25</sup> This includes “*the necessary material, medical, psychological and social assistance through governmental, voluntary, community based and indigenous means*”, the U.N. Declaration (Clause 14) Part B concerns victims of abuse of power “*that do not yet constitute violations of national criminal laws but of internationally recognised norms relating to human rights.*”

<sup>26</sup> While the U.N. Declaration lacks the binding authority characteristic of a Covenant, its provisions function as valuable reference points.

recommendations regarding the type of reforms needed to make the system adequately address the concerns of crime victims.<sup>27</sup>

The rights afforded to victims within the Indian criminal justice system, as delineated in the UN Declaration and Indian legal framework, as aforementioned and categorised into four principal areas.<sup>28</sup> Victims has the right to initiate legal proceedings by submitting a First Information Report (FIR) and obtaining a complimentary copy. Should the police decline to take action, they may escalate the matter to superior officers or a Magistrate. They possess restricted yet significant participatory rights including bail revocation, contesting closure reports, compounding offences, and submitting appeals against acquittal. Victims are entitled to polite and dignified treatment, legal representation, and, in specific instances, complimentary legal assistance. Judicial systems have acknowledged the necessity for in-camera proceedings, legal assistance for sexual assault survivors, and safeguards against intimidation. The entitlement to compensation is acknowledged within criminal procedure and constitutional remedies, particularly with custodial violence and significant rights infringements, albeit with inconsistent application.<sup>29</sup>

In **Nilabati Behera v. State of Orissa**,<sup>30</sup> the Supreme Court reaffirmed the victim's constitutional right to claim compensation in cases of custodial wrongdoing. The court noted that limiting the survivors of victims of custodial violence to the common civil litigation process was insufficient. Courts using their writ power specifically recognised the right to compensatory relief in public law. In **D.K. Basu v. State of West Bengal**<sup>31</sup>, it was further established that the award of compensation under public law jurisdiction does not prejudice any other action, such as a civil suit for damages, that the victim or their heirs may take in relation to the same tortious act committed by state officials. As a result, the relief sought in public law jurisdiction is an addition to, rather than a substitute for, traditional remedies.<sup>32</sup> The process of restitution for harm or property loss is developing as a result of judicial decisions. Medical, psychological, and social assistance, safeguards for witnesses, and requirements for

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<sup>27</sup> S. Muralidhan, "*Rights of Victims in the Indian Criminal Justice System*", International Environmental Law Research Centre, (2004), online available at: <https://www.ielrc.org/content/a0402.pdf>

<sup>28</sup> Bhardwaj, M., "*Rights of Victims in Indian criminal Justice System*", International Journal of Law Management & Humanities, Vol. 3, Issue 5, (2020) at pp. 1290–1290, available at: <https://www.ijlmh.com/>

<sup>29</sup> Ibid.

<sup>30</sup> (1993) 2 SCC 746.

<sup>31</sup> (1997) 1 SCC 416.

<sup>32</sup> Id at 443, (emphasis in original) For a subsequent ruling by the Supreme Court reaffirming the same principles, see *State of A.P. v. Challa Ramakrishna Reddy* (2000) 5 SCC 712.

rehabilitation are all forms of assistance.<sup>33</sup> In general, the framework is progressing, although it still necessitates more robust legislative designs and efficient execution.

### **Legislative Provisions relating to Victim Participation in a Criminal Proceeding:**

There are certain rules in India's Procedural law that enable victims to take part in procedures that they initiate by themselves. When taken together, Section 18 and Sections 338 and 339 of the BNSS, 2023 do make it clear that the victim or informant has the right to choose an attorney to represent them in court. There are some provisions that are commonly referred to as the "*Right to Assist Prosecution*" provisions.<sup>34</sup> Although victims have the right to legal representation under the rules, this right is typically limited because it is discretionary with the Public Prosecutor handling the case. Furthermore, Section 338 of the Code deals with victims supporting the prosecutors, although Section 339 permits the victims/ complainant to independently undertake the prosecution by making an application for that purpose, which is different from Section 338. Anyone may bring charges against another person in the Magistrate's Court using the methods outlined in Section 339, either by representing themselves or by designating a pleader with the appropriate approval from the Magistrate.<sup>35</sup> Again, the Magistrate's approval is required before the victims can be granted direct access to participate in the proceedings. An issue with this provision is that it does not grant Sessions Court the authority to prosecute, and it is solely applicable to Magistrate Courts.

Therefore, it can be concluded that victims still face obstacles in fully exercising their right to independently prosecute. When it comes to criminal appeals, a 2009 amendment to the Code added a proviso to Section 372 (new Section 413 of BNSS). This means that victims can now challenge either the acquittal or the conviction of the accused in cases where a lesser sentence was handed down and just compensation has not been granted by the trial courts.<sup>36</sup> Even while victims may not have the right to conduct their own trial apart from the prosecution,

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<sup>33</sup> Panda, B., "*Victim's right to rehabilitation: in India, UK, and US experience*", Hidayatullah National Law University, Vol. 1, (2021). <https://www.manupatra.com/roundup/348/Articles/Article%20Victim.pdf>

<sup>34</sup> <https://www.numenlaw.com/victims-rights-in-criminal-proceedings-where-does-the-law-stand-nationally-and-internationally.php>

<sup>35</sup> *Subhash Chandran v. State of Kerala*, 1981 KLT Case No. 125; "*When Permission to conduct prosecution can be granted under Section 302 CrPC? - An analysis*", The Lawmatics, (2023), available at: <http://thelawmatics.in/when-permission-to-conduct-prosecution-can-be-granted-under-section-302-crpc-an-analysis/>

<sup>36</sup> Ibid.

it is crystal apparent that they have an unrestricted independent right to dispute the trial courts' decisions at the appellate stage. Section 439 (1-A) was added to the Cr.P.C., 1973 (new section 482 of BNSS), which required the informant or his representative to be present during the application hearing. However, this provision is specific to the enumerated offences and is not applicable to general offences. This was done even in cases of bail for sexual offences, as outlined in Sections 376(3), 376-AB, and 376-DB of IPC, 1860 (new sections 65(1), 65(2) and 70(2) of BNS, 2023). This leads us to the conclusion that victims have distinct rights in criminal proceedings before trial courts and appellate courts based on the procedural law.<sup>37</sup>

### **Protecting the Victim's and the Accused's Rights:**

Many protections are afforded to those who are alleged victims of crime. Making sure these rights are respected is a part of the prosecutor's role.<sup>38</sup> They need to be confident they can get the help they need, whether it's legal representation or financial aid, that they know where their case stands, and that they can find whatever information they need regarding the judicial system. Similarly, the prosecution has an obligation to guarantee that the accused will likewise receive a fair trial.<sup>39</sup>

#### **1. Pre-Trial Roles:**

The prosecutor engages in a criminal case immediately following the submission of the police report. They commence by assessing the evidence, analysing the report, and subsequently considering both the public interest and the legal dimensions of the case to ascertain whether the charges provide sufficient grounds for conviction.

The *Lakhimpur Kheri case*<sup>40</sup> is based on events that transpired during the 2020 Farm Bills demonstrations, when the defendant was accused of allegedly running over protesting farmers, leading to the deaths of both the farmers and a journalist. The case made its way to the Supreme Court following the Allahabad High Court's bail announcement. Victims' right to be heard prior to bail determinations was the central issue. Along with the prosecution and the accused, the Court acknowledged victims as a vital party in criminal proceedings. It strengthened victim engagement in India's criminal justice system prior to trial by taking a

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<sup>37</sup> <https://www.livelaw.in/top-stories/victim-has-right-to-be-heard-at-every-stage-from-investigation-to-culmination-of-trial-in-appealrevision-supreme-court-196856>

<sup>38</sup> *What is the role of a prosecutor in the criminal justice system?* AGP LLP. <https://www.agpllp.ca/what-is-the-role-of-a-prosecutor-in-the-criminal-justice-system/>

<sup>39</sup> Ibid.

<sup>40</sup> *Jagjeet Singh v. Ashish Mishra* 2022 SCC OnLine SC 453.

victim-centric strategy and expanding victims' participatory rights from inquiry to appeal.

## 2. Roles during Trial:

The prosecutor is responsible for presenting the prosecution's case against the defendant during the trial. They accomplish this by presenting evidence, analysing the case's facts in light of the law, and questioning witnesses. Their objective is not to prevail over the defendant, but rather to lay out a case that the court can fairly decide.<sup>41</sup>

## 3. Post-Trial Roles:

The prosecutor's job is far from done once the trial is over. A found-guilty defendant may, for instance, need them to prepare an appeal. Alternatively, following the guilty conviction, they might have to argue for a more suitable punishment.<sup>42</sup>

## The Overall Impact of the Prosecutor's Role on the Criminal Justice System:

Prosecutors, as public servants, are crucial to preserving faith in Indian judicial system. Their duties include more than just enforcing the law; they also have to make sure our society is safe. This is a difficult position to be in because prosecutors face constant scrutiny and are expected to act ethically at all times.

Thus, there are instances where the prosecutor is compelled to present a case in a manner that guarantees a fair and just conviction due to evidence and concerns for public safety. Fulfilling a significant public obligation while preserving the integrity and justice of the court proceedings is the ultimate goal of any prosecutor's job, regardless of whether their case wins or loses.

The background of the case in **Vinay Poddar v. State of Maharashtra**<sup>43</sup>, is an Anticipatory Bail Application that the Applicant submitted, which was dismissed by the Sessions Court. Given that the Sessions Judge had given the Victim the opportunity to contest the aforementioned Bail Application, the Applicant mainly argued against the rejection of bail. During its consideration of the matter, the court made the observation that it is theoretically

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<sup>41</sup> Supra note 37.

<sup>42</sup> Ibid.

<sup>43</sup> 2009 CRI. L. J. 896.

impossible to deny the victim or informant a chance to be heard when granted anticipatory bail. The court went so far as to say that the complainant or victim is an essential party in order to collect pertinent factual information at this early stage of the investigation. Even though giving notice to complainants or victims is not required by law, they nevertheless have the right to be heard if they want to contest the applications in court. The victims' right to an audience and their opinions can be taken into account in determining whether bail should be granted or not can be clearly established by this ruling of the Court.

The case of **Karan v. State of NCT Delhi**<sup>44</sup>, was about three individuals, including a child, who were charged with the murder of Gulfam. The court found the appellant and another person guilty of the victim's murder, and the juvenile's case was transferred to the Juvenile Justice Board. Criminologists, penologists, and reformers of the criminal justice system have placed a growing emphasis on victimology and the protection of victims as they deliberated this case. The court also addressed the breadth and depth of victim compensation under Section 357 of the Code of Criminal Procedure. Crimes often cause physical hurt to victims as well as symbolic damage to society as a whole. Consequently, victims' needs and rights should take precedence in the response to crime as a whole. It is well-known that one strategy to protect victims of crime is to compensate them. The victim restitution mechanism in the criminal justice system was greatly improved by the Delhi High Court. The offender is required by court order to submit an affidavit detailing their income, assets, liabilities, and expenses following conviction. This will help the trial courts determine an appropriate reparation amount to pay to the victim or their family in the case of the victim's death. The affidavit should acknowledge that human life cannot be measured, but the court must still consider the impact of the offence on the victim's family. The Court's decision in this case demonstrates the need of include victims in all phases of the decision-making process, including those pertaining to sentencing and compensation, in order to achieve a fair and equitable outcome.

### **Conclusion:**

Therefore, it is hereby concluded that, in the criminal justice system, the prosecutor is responsible for more than just defending the State, they must also guarantee justice, fairness, and the preservation of victims' rights. To ensure that victims' concerns, evidence, and interests are properly put before the Court, a prosecutor plays a pivotal role as a conduit between victims

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<sup>44</sup> AIRONLINE 2020 DEL 1551.

and the judicial system. Practical obstacles such as low awareness, procedural delays, and institutional restrictions still prevent victims' rights from being effectively realised, even if there are legal provisions meant to strengthen victims' involvement. Thus, the prosecution must shift its focus to be more victim-centered, with an emphasis on openness, accountability and empathy for victims. The success of criminal proceedings can be greatly improved by bolstering the training of prosecutors, enhancing coordination with investigative agencies and assuring the proper execution of victim-related law safeguards. For the sake of justice, victim safety and public trust in the legal system, a fair and accountable prosecution system is essential in this regard.

