



**RAMA
UNIVERSITY**

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FACULTY OF JURIDICAL SCIENCES

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Lecture-17



FUNCTIONS OF CRIMINAL LAW

Criminal law serves several purposes and benefits society in the following ways:

- Maintaining order. Criminal law provides predictability, letting people know what to expect from others. Without criminal law, there would be chaos and uncertainty.
- Resolving disputes. The law makes it possible to resolve conflicts and disputes between quarreling citizens. It provides a peaceful, orderly way to handle grievances.
- Protecting individuals and property. Criminal law protects citizens from criminals who would inflict physical harm on others or take their worldly goods. Because of the importance of property in capitalist America, many criminal laws are intended to punish those who steal.
- Providing for smooth functioning of society. Criminal law enables the government to collect taxes, control pollution, and accomplish other socially beneficial tasks.
- Safeguarding civil liberties. Criminal law protects individual rights.

How Do Criminal Cases Proceed?

Once a criminal defendant has been arrested or charged for a crime, all criminal courts follow the same procedures. This process goes as follows:

1. Arraignment: This is where the defendant appears in court, and the charges against the defendant are formally recorded and read before a judge;
2. Preliminary Hearing: During this evidentiary hearing, the district attorney must prove to the judge that there is strong evidence to charge the defendant for the crime at hand;
3. Pretrial Conference: This is a court hearing intended to resolve all issues before going into a formal trial;
4. Plea Hearing: A plea hearing is a hearing in which the defendant enters a plea of either guilty, or not guilty. At this stage the prosecutor will offer some type of agreement to the defendant;
5. Trial: This is a hearing in which evidence is presented to a judge or jury, and it is determined whether the defendant is guilty or not guilty beyond a reasonable doubt;
6. Sentencing: Sentencing refers to a court's decision regarding the penalties placed on the defendant for crimes that were established to have been committed; and
7. Appeal: This is the stage in which a defendant may appeal their case.

Appeals can occur anytime after sentencing.

Is a Criminal Case the Same as a Civil Case?

In short, no. One of the biggest differences between the criminal justice system and the civil justice system is that criminal cases involve the state filing a claim against an individual. Civil cases generally involve civil disputes between two private

citizens, or between businesses. The laws, punishments, and burden of proof also differ between criminal cases and civil cases.

An example of this would be how prison is a potential punishment in certain criminal cases, but civil cases do not punish the accused with incarceration. However, a civil lawsuit could follow a criminal case, such as in a wrongful death or police misconduct case.

As previously mentioned, the burden of proof differs between criminal cases and civil cases. Burden of proof refers to the obligation to present evidence in regards to the lawsuit or criminal charge. The burden of proof is much higher in criminal cases than civil cases, as the prosecutor must prove the defendant's guilt beyond a reasonable doubt. All that is needed to find someone liable in a civil case is typically just a preponderance of evidence that more than fifty percent of the evidence points favors one party over the other.

MCQ

1. When someone violate the law, we immediately inform :-

- a. Neighbours
- b. Relative
- c. Judge
- d. Police

2. Police generally do :-

- a. File report
- b. Arrest a person
- c. Both (a) & (b)
- d. None of these

3. An accused person is decided by :-a. Police

- b. Court
- c. Person himself

d. All of these

4. Every person has a fundamental Right to be defended by a lawyer under the act

a. Act 42

b. Act 67

c. Act 45

d. Act 22

5. Constitution places a duty on the state to provide a lawyer to any citizen who is unable to engage one due to poverty or other disability.

a. Act 39

b. Act 22

c. Act 43

d. Act 67