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## **FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. 1st Semester**

**SUBJECT: ADVANCE LEGAL WRITING SKILL-I**

**SUBJECT CODE: BAL 108**

**LECTURE: 23**

**NAME OF FACULTY: Ms. Anjali Dixit**

# Lecture-23



## **Warrant**

**Anticipatory**

**Search Warrant:**

: a search warrant that is issued on the basis of an affidavit showing probable cause that there will be certain evidence at a specific location at a future time called also anticipatory warrant

### **Arrest warrant**

: a warrant issued to a law enforcement officer ordering the officer to arrest and bring the person named in the warrant before the court or a magistrate NOTE: A criminal arrest warrant must be issued based upon probable cause. Not all arrests require an arrest warrant.

### **Bench warrant**

: a warrant issued by a judge for the arrest of a person who is in contempt of court or indicted

**death warrant** : a warrant issued to a warden or other prison official to carry out a sentence of death

### **NBW**

In case of a cognizable offence [as defined under Sec. 2(c) of the Code of Criminal Procedure, 1973 (Cr.P.C.), "cognizable offence" means an offence for which, and "cognizable case" means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant], for making an arrest the warrants are not necessary. For the purpose of understanding it may be noted that a non-bailable offence does not mean that bail cannot be granted. In case of non bailable offences the bail can be granted by the courts and the courts have to use their discretion while granting bail in non-bailable offences. In bailable offences, one can seek bail at the time of arrest by police as a matter of right subject to compliance of certain formalities.

### **Legal Notice**

#### **Legal Notice Meaning**

A legal notice is a formal written communication between the parties. Through a legal notice, the sender notifies the recipient about his intention of undertaking legal proceedings against the latter. A legal notice also helps in making the receiving party aware of the grievances of the sender.

It works as a last warning to the receiver to fulfill a certain condition if he does not want a court battle.

It is used in a wide variety of situations,

1. In Consumer Forums: In case, a faulty product or service is provided to a person he or she can send a legal notice to the concerned person and ask him to rectify the deficiencies.
2. Disputes related to property such as partition, eviction or issues relating to possession of the property.
3. Loan Defaulters: Under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act), the debt recovery proceedings begin by sending a legal notice to the defaulters.
4. Cases under the Negotiable Instruments Act: In case of dishonour of cheque, the aggrieved can send a legal notice for recovery of payment.
5. Money Recovery Cases: The first step in money recovery cases is sending a legal notice to the concerned person.
6. Employee and Employer/Company: If the employer in any way deprives the employees of their salary, then the employee can send a legal notice to the employer.

It is a tool to save time and cost of litigation as it opens the door for the parties to settle the matter through negotiation, mediation or arbitration.

### **Pre-legal Notice Meaning**

Pre-legal notice means 'before being legal', this notice is sent to the parties before sending them the legal notice. It is a kind of personal communication between parties. While a legal notice warns of litigation, a pre-legal notice acts as a warning before legal notice.

MCQ

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**1. FIR report is signed by :-**

- a. Judge
- b. Complainant
- c. Police
- d. Lawyer

Ans: (b)

**2. All of these criminal offences are regarded as \_\_\_\_\_ .**

- a. Public Right
- b. Livelihood Right
- c. Personal Right
- d. Public wrong

Ans: (d)

**3. The prosecutor must conduct the prosecution on the behalf of the \_\_\_\_\_ .**

- a. State
- b. Centre
- c. state & centre

**4. If the accused is convicted, then the judge pronounced the \_\_\_\_\_ .**

- a. Reward
- b. Award
- c. prosecution
- d. Sentence

Ans: (d)

**5. "Right of law" includes :-**

- a. every person has right to live.
- b. All of these person's life can be taken away only by following a reasonable & just procedure.
- c. Both (a) & (b)
- d. None of these

d. All of these

Ans: (a)





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