

Victim's Representational Right Under the Code of Criminal Procedure, 1973

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Abstract

Within the entire gamut of Code of Criminal Procedure, 1973 rights duties obligation of various stake holders of the criminal administration of justice are delineated. Not to mention that the right of the accused/s are elaborately detailed. The Supreme Court and various High Courts throughout India in catena of Judgments have tried to maintain the balance between the discretionary powers of the investigating agencies and that of the person charged with the crime. One of the cardinal rules of any adversarial form of investigation which our country subscribe to, is to give the benefit of doubt to the person facing the trial and setting up his defence against the accusation. Conspicuous by absence in the debate is the right of victims of crime. The representational right of the victim under the Code of Criminal Procedure Code is a highly contested issue. Needless to say that the victim's representational right has gone for an abrupt change after the gruesome and unfortunate Delhi gang rape case on December 2012 (also known as Nirbhaya case). The process involve in criminal justice system can be broadly segregated into four distinct features as investigation, inquiry, trial and thereafter appeal if any after the criminal law is set in motion. The State as the omnipotent protector of its citizen and all people at large prosecute in criminal cases. A prosecution takes place through a Public Prosecutor or an Assistant Public Prosecutor depending upon the case that is tried and the Court where the proceedings are going on. Here comes the crux of the problem, is the victim's voice ventilated, their rights represented, their interest protected. The representational right of the victim needs to be also examined in purview of the context that for the State and Judiciary many a times plays a balancing act and whether the same is compromised against the victim rights. The article also deep dives whether any fundamental changes are brought forth in the Bharatiya Suraksha Sanhita, 2023 (hereinafter referred as BNSS, 2023).

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Key Words: Code Of Criminal Procedure 1973, Victim, Rights, Courts, Investigating Agencies.

I. Introduction:

The criminal justice system in India follows the adversarial system having multiple stake holders. The Presiding officers adjudicating the criminal proceedings, the prosecutors presenting the case on behalf of the State, and the accused represented by the defence counsel. Within the ambit of Indian Constitution there is no specific provision which enshrines the right of the victim. However Article 41 and 51A of Indian Constitution states “the right to public assistance in cases of disablement and in other cases of undeserved want” & “to have compassion for living creatures and to develop humanism” respectively. The victim’s right to compensation has also been interpreted as an integral part of Right to Life and Liberty under Article 21 of Indian Constitution.² And moreover right to compensation has also been interpreted as an integral part under Article 39 A and 14 of Indian Constitution. The victim compensation jurisprudence development can be traced to the year 1985 when United Nations General Assembly adopted ‘Declaration of the Basic Principles of Justice for the Victim of Crime and Abuse of Power’. It was ratified by a substantial number of countries including India. The Code of Criminal Procedure, 1973(hereinafter also referred as ‘Code’) the entire Code broadly is divided into three parts namely investigation, inquiry and trial, other than the appeal or revision jurisdiction. Whereas investigation is strictly the prerogative of the investigative agency or the police, the court monitors the inquiry and investigation. In cognizable case a first information report (fir) is the pre-requisite of setting the criminal law in motion. A cognizable case can be reported by victim or any person whatsoever. In general course after the first information report is registered, the investigation of the case starts culminating either in filing of charge sheet or that of the final report if no incriminating evidence is found to take the case to trial. After the filing of charge-sheet the case is either committed or transferred to the designated court for trial in accordance with the code. The case which confronts to a common citizenry is how the right of the victim is represented in various stages of criminal proceedings. The term “victim” was inserted in the Code of Criminal Procedure, 1973 as lately in the year 2009, reproduced in section 2 (wa),

² Rudul Shah v. State of Bihar, (1983) 4 SCC 141.

(corresponding to section 2(1) (y)) it 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. The concept of exclusive representational right of the victim is alien in the criminal administration of justice in India. If we peruse the Code of Criminal Procedure 1973, we find that there has been a mark shift and opening up of new vistas for the victim’s right post Nirbhaya case (the horrific Delhi gang rape case of 2012) which led to the formation of Justice Verma Committee. Upon the recommendation of the report of the Committee from the month of February 2013 certain sweeping changes were incorporated in the Criminal Procedure Code 1973 along with necessary changes in the Indian Penal Code, 1860 and Indian Evidence Act, 1872 and some other criminal minor acts. One such change recommended was the concept of ‘Zero Fir’ which now finds its place in the BNSS, 2023. A FIR or First Information report is restricted by the jurisdiction limits of the police station within which the offence is committed. A Fir registered in a police station bears a number and if the officer in charge of the police station finds a particular cognizable offence not committed within its police station will refer it to the police station having jurisdiction. This can entail a sense of harassment for the victim. To arrest this situation the concept of ‘Zero Fir’ was recommended. Wherein irrespective of the fact whether the police station has jurisdiction or not will register any cognizable case as First Information report without assigning any number to it and will send it to the police station having territorial jurisdiction to investigate the case. ‘Zero Fir’ till date doesn’t have any statutory recognition. The Criminal Procedure Code, 1973 makes a distinction between cognizable cases and non-cognizable case. If a person is victim of a non-cognizable case solely, the onus is upon that particular individual to appear before the concerned magistrate having jurisdiction to register the offence. The victim is then bound to ally all evidence to prove the case, (though under certain circumstances as mentioned in section 202 of the Code of Criminal Procedure, 1973 [corresponding to section 225 of the BNSS, 2023] investigation can be ordered by the magistrate). In in case where the allegation discloses of cognizable offence, the first information report gets registered with the concerned police station and thereafter the case is sent to the magistrate having jurisdiction to try the same. Whereas in case of non-cognizable offence only it is incumbent upon the victim to engage an advocate at all stage of the proceedings, (if the victim doesn’t wish to represent his own case), but

with certain minor exception it is the State, through its Prosecutors who represent the cause of victim in cognizable cases. In this article the author discerns the various rights under the Code of Criminal Procedure, 1973 available for the victim.

II. Statutory forums for the victim to choose under the code of criminal procedure, 1973:

The word victim as stated above finds mention in the definition clause of the Code of Criminal Procedure, 1973. That to strengthen the victim's representational right under the Code of Criminal Procedure, 1973 certain statutory rights of the victim got recognized. A proviso was appended under section 24(8) of the Code of Criminal Procedure, 1973 (corresponding to section 18 of the BNSS, 2023) whereby with the permission of court, a victim can engage an advocate of his/her choice. Provided that advocate will act under the direction of Public Prosecutor, Additional Public Prosecutor, or Assistant Public Prosecutor as the case may be. Further under section 372 of the Code of Criminal Procedure, 1973, the victim shall have right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such court. The Code of Criminal Procedure, 1973, also talks of Victim Compensation scheme, in case of both Cognizable and non-cognizable cases which is now a statutory recognized right. It is pertinent to mention that a victim of non-cognizable as mentioned above, it is imperative upon the victim to go the Judicial Magistrate First Class to register his/her case. There is an exception to this as provided in Section 199 of the Code of Criminal Procedure, 1973 (corresponding to section 222 of the BNSS, 2023) wherein the Public Prosecutor can initiate a complaint before a Court of Session in case of defamation against certain category of persons. If an offence of defamation is alleged to have been committed against a person who at the time of commission of such offence is President of India, Vice President of India. The person may be the Governor of a State, the Administrator of a Union Territory, or Minister of a Union or State. The person may also be employed with the affairs of the Union or State, and then the Public Prosecutor with the previous sanction of the appropriate Government will initiate the complaint accordingly as mentioned before. In case of cognizable offence if the case is tried before a court of Magistrate, then the victim can go to the police

station to lodge a First information report or in alternative file a complaint case before the Magistrate having jurisdiction and the trial will be held as a case instituted otherwise than a police report regulated specially under section 244 to 247 under the Code of Criminal Procedure, 1973 (corresponding to section 267 to 270 of the BNSS,2023). In case when the offence is tried by a Court of Session, the victim can engage advocate only till the pre-trial stage, after which the Public Prosecutor designate will take over and the victim's personal advocate can only work under the direction of Public Prosecutor. That further a victim's advocate can only file a written statement as mandated under section 301(2) of the Code of Criminal Procedure 1973, (corresponding to section 338(2) of the BNSS,2023) after argument is over. That in case a victim has initiated a complaint case and on the same set of facts a First information report is lodged and an investigation is initiated, then both the cases will be clubbed together and will be investigated as a case initiated on the first information report. Provided in section 210 of the Code of Criminal Procedure,(corresponding to section 233 of the BNSS,2023) it also mentions that after filing of charge sheet, if the charge sheet does not relate to any accused mentioned in the complaint case or if the Magistrate doesn't take cognizance of any offence on the charge sheet, the victim/complaint shall have the complaint case proceeded according to law, which was previously stayed due to clubbing of the complaint case and case initiated on the First Information Report. It is pertinent to mention that victim of all crimes/offences cannot initiate a criminal proceeding under the Code of Criminal Procedure, 1973. The bar itself is there in chapter XIV of the Code, (corresponding to section XVI of the BNSS, 2023) wherein a victim of contempt of lawful authority of public servants, for offence against public justice and for offence related to documents given in evidence, the State and its agency instead of actual victim initiates the case in appropriate Court of Law.

III. Victim's right after the investigation sets into motion:

In cognizable cases after the First information gets registered, the informant must be given the copy of the first information report free of cost. After investigation starts, the victim can himself or herself be examined by the investigating officer as a witness under section 161 of the Code of Criminal Procedure, 1973 (corresponding to section 180 of the BNSS, 2023). If the investigating officer thinks fit then the victim's statement can be recorded under section 164 of the Code of Criminal Procedure, 1973(corresponding to section 183 of the BNSS,

2023) by a Judicial Magistrate whether having jurisdiction or not. That as stated above certain changes was made in Code of Criminal Procedure, 1973 in favour of the victim post the Nirbhaya case (Delhi gang rape case). That section 154 of the Code of Criminal Procedure, 1973 (corresponding to section 173 of the BNSS, 2023) is testimony to those changes. The added part to the section read as follows “ Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, [section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section DB],section 376 E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer.” The proviso to that section further states---“ in the event that the person against whom an offence under section 354, section 354A, section 354C, section 354D,section 376, [section 376A, section 376AB, section 376B,section 376 C, section 376D, section 376DA, section 376 DB], section 376 E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person’s choice, in the presence of an interpreter or a special educator, as the case may be;”. That as per section 157 of the Code of Criminal Procedure, 1973 (corresponding to section 176 of the BNSS, 2023) if the investigating officer thinks that the offence committed is not of serious nature, or there is no sufficient ground for entering into the investigation of the offence, he shall record his reason for doing so and for not entering into the investigation of offence, the same shall be notified to the informant which can be read as a statutory right of the victim. The proviso to section 157 of Code of Criminal Procedure, 1973 (corresponding to section 176 of the BNSS,2023) further states that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality. In consonance with a part of section 157 of Code of Criminal Procedure, 1973, section 173 (corresponding to section 193 of the BNSS, 2023) of the Code cast a statutory duty upon the investigating officer, that upon completion of the investigation, whether a charge sheet or a final report absolving the

accused/accuseds is filed in the court, the informant has to be informed. The criminal courts reading section 173 of Code of Criminal Procedure, 1973 have evolved the principle of “Naraji Petition” if the victim/informant is not satisfied with the course or outcome of the investigation.

Naraji or Protest petition is a representation made by the victim or the informant to the court after its completion to object to the police’s closure report of a given case. Naraji or protest petition is nowhere defined in the Code of Criminal Procedure, 1973. It has evolved through judicial pronouncements of various High Courts and Supreme Court recognizing the right of the victim. Originally the Code of Criminal Procedure, 1973 did not envisage hearing of victims while considering grant of bail and report to close a case. A protest petition cannot be treated as a complaint under the law. But the legal remedy allows the complainant to file a separate complaint under section 200, read with section 202, of the code (corresponding to section 223 and 225 of the BNSS, 2023) to pray for further investigation in any case where the informant/victim is dissatisfied with either filing of charge sheet or closure report. Though from the pre-independence era there was catena of judgments by various High Courts upholding the rights of victim under the pretext of Naraji or Protest Petition. It was finally settled by the Supreme Court in the case of *Bhagwant Singh v Commissioner of Police*,³ which held that in the absence of any provisions of Code of Criminal Procedure, 1973 the obligation of the magistrate to issue notice to the injured person or relative of a victim arose from the “principles of natural justice”. The Apex court further stated that the victim or family member, though not entitled to a notice under the law, has the locus to appear before a magistrate at the time the closure report is being considered. Also, though magistrates are not bound to give notice, they may, in the exercise of their discretion, give such notice to the injured person. In *Vishnu Kumar Tiwari vs State of Uttar Pradesh*⁴, the Apex Court held, not all protest petitions should be treated as complaint petition. The court said a magistrate could not be compelled to take cognizance by treating the protest petition as a complaint, if he/she is convinced on the basis of the consideration of a final report and statements of witness recorded by the police that no prima facie case is made out.

³ [(1985) 2 SCC 537: 1985 SCC (Cri)267 : AIR 1985 SC 1285] .

⁴ CRIMINAL APPEAL NO 1015 OF 2009 DECIDED ON 9TH JULY 2019.

IV. Victim's Right in Inquiries or Trial and Thereafter:

Unlike as in non-cognizable cases the scope of engaging a private pleader by the victim/ informant is very limited. The only section other than 24(8) in the Code of Criminal Procedure, 1973,(corresponding to section 18(8) of the BNSS,2023) that speaks of it is section 301(2) (corresponding to section 338 of the BNSS,2023). It states that if any person engages a private pleader to conduct a case, the pleader/advocate has to work under the directions of the Public prosecutor or Assistant Public Prosecutor as the case may be and with the permission of the Court the private pleader can submit written arguments after the evidence is closed in the case. A particular amendment was brought in section 372 of the Code of Criminal Procedure, 1973 in the year 2009 as discussed above (corresponding to section 413 of the BNSS,2023), where victim right was recognized. While discussing victim's right under the Code of Criminal Procedure, 1973 it is worth mentioning section 321 of the Code of the Criminal Procedure,1973 (corresponding to section 360 of the BNSS,2023), wherein the Public Prosecutor or the Assistant Public Prosecutor may at any time before the pronouncement of the judgment can withdrew the case citing only that the same is done for the general public interest. The Public Prosecutor or the Assistant Public Prosecutor who works as the representative of the State, though not desired but works under the directions of the respective appointee Governments whereby many a time the victim's interest is consumed under the general public interest and is greatly compromised. Another aspect of victim's right is that of Plea Bargaining. To dispose the delay in criminal trial and appeal and to mitigate the sufferings of under trial prisoners it was proposed by the Law Commission of India in its 154th Report on the Code of Criminal Procedure, 1973 to introduce the concept of Plea Bargaining and this concept was also endorsed by the Committee on Criminal Justice Reform System headed by Dr (Justice) V.S. Malimath. Plea Bargaining can be exercised in respect of an accused against whom a charge sheet has been filed by the investigating authority, or in cases where the Magistrate has taken cognizance of an offence on complaint. The concept of Plea Bargaining can be employed only in cases where punishment of death or of imprisonment for life or for imprisonment for a term exceeding seven years has not been prescribed as a punishment for the offence. Plea Bargaining can also not be pressed where such offence affects the socio-economic condition of the country or has been committed against a woman or a child below the age

of fourteen years. There is now a scope for the victim within the ambit of the concept of Plea Bargaining which is now regulated within section 265A TO 265L of Chapter XXIA of the Code of Criminal Procedure,1973 (corresponding to Chapter XXIII of the BNSS,2023) to assert his or her stake while mutually settling the case. In complaint cases it is incumbent upon the complainant and the accused to arrive at a consensus before Plea Bargaining can be chalked out. But even in cases instituted on police report, it is provided under 265C (corresponding to section 291 of the BNSS,2023) that to work out a mutually satisfactory disposition of the case, the Public Prosecutor, accused along with the victim shall participate in the meeting to work out on what terms and conditions Plea Bargaining can be reached. Even when the plea bargaining is being deliberated, the victim can seek for appropriate compensation while arriving at any conclusion. It is pertinent to mention that there is a right of the victim to get his/ her evidence recorded when the offender of the crime cannot be traced by the investigating officer or the police or is absconding. That section 299 of the Code of Criminal Procedure , 1973 (corresponding to section 335 of the BNSS, 2023) provides that where the accused is absconding or there is no immediate prospect of arresting him, witness (which includes victim) may be examined and their deposition recorded on behalf of the prosecution even in the absence of accused, and such deposition may be put in evidence against the accused , when proceeding against the accused subsequently starts after his arrest or surrender as the case may be, even though he had no opportunity to cross-examination them at the time evidence was taken. Similarly, a victim can always approach the High Court under section 482 of the Code of Criminal Procedure, 1973 (corresponding to section 528 of BNSS, 2023) to invoke its inherent power to give effect to any power or to prevent abuse of the process of any court or otherwise secure the ends of justice.

V. Victim's Right to Compensation under the Code of Criminal Procedure, 1973:

Indian Penal Code, 1860 prescribes various modes of punishment⁵.That the appropriate court can sentence an offender to death; imprisonment for life, imprisonment of any description which may be simple or rigorous, forfeiture of property and fine. The victim compensation scheme was redesigned under the

⁵ Section 53 of Indian Penal Code,1860

Criminal Procedure Code, 1973. That under section 357 of the Code of Criminal Procedure, 1973 (corresponding to section 395 of the BNSS, 2023) the appropriate court is empowered to apply the sentence of fine in defraying expenses incurred by the prosecution of the case. The fine can also be directed to be paid to any person as compensation for any loss or injury caused by any offence if in the opinion of the adjudicating court, compensation can be recovered for such offence from a civil court. The court can also award fine recovered to be applied, when any person is convicted of any offence for having caused the death of other person or of having abetted the commission of such an offence, in paying compensation to the persons who are, under the Fatal Accident Act entitled to recover damages from the person sentenced for the loss resulting to them from such death. Moreover, when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or having dishonestly received or retained or having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, in compensating any bona fide purchaser of such property for the loss of the same if such property is restored to the possession of the person entitled to. The sentence along with the fine can be awarded either by an adjudicating court or by a court hearing an appeal. The power of the court to award compensation under section 357 of the Code of Criminal Procedure, 1973 is not ancillary to other sentence, but it is an addition thereto⁶. The quantum of compensation may be determined by taking in account the nature of the crime, the manner in which it has been committed the justness of claim by the victim and the ability of the accused to pay⁷. The victim compensation scheme was incorporated under section 357A of the Code of Criminal Procedure, 1973 (corresponding to section 396 of the BNSS, 2023) was brought through The Code of Criminal Procedure (Amendment) Act, 2008⁸. Under the scheme the State Government in coordination with Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. One of the novel aspects of the scheme is that it is molded in the form of a beneficial legislation, and so a victim irrespective of the fact whether accused is convicted

⁶ Arjuman v. State of Tamil Nadu, (1997) 2 Crimes 447 (Mad)

⁷ *Ibid*

⁸ Ins. by Act 5 of 2009, sec. 28 (w.e.f. 31-12-2009).

or acquitted in the particular case is entitled for compensation under the scheme. Where a victim has been referred to the District Legal Service Authority or the State Legal Services Authority by the court of law for compensation under the Victim Compensation Scheme as the case may be, and then it is incumbent upon the legal service authority to decide the quantum of compensation to given to the victim thereon. Even if the offender of the victim is not intercepted or identified by the police still the victim can be granted compensation under the victim compensation scheme. The State or the District Legal Services Authority besides deciding the quantum of punishment for the victim is also empowered under the scheme to assuage the suffering of the victim, may order for immediate first-aid facility or medical benefits to made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or Magistrate concerned. The legal Services Authority also can provide for the interim relief. The scheme of providing interim relief as compensation to a victim was in principle evolved through the judicial decision in the case of *Boddhisatwa Goutam v. Subnra Chakraborty*⁹. That previously the Supreme Court also in the case of *Delhi Domestic Working Women's Forum v. Union of India*¹⁰ stating that setting out new requirements for the police dealing with rape victims be provided, namely with legal representation, let know her all rights and protecting her anonymity. The court also ordered that the criminal compensation board consider the totality of the circumstances, ranging from the emotional pain of the act itself to medical costs and emotional pain associated with any child that might result from the rape when setting out compensation to be paid. It is pertinent to mention that the compensation paid under the victim compensation scheme is in any addition to a fine awarded by a court under section 326A or 326D of the Indian Penal Code, 1860 (corresponding to 124(1) and 124(2) of *Bharatiya Nyaya Sanhita, 2023*). That one of the features that is added to the Victim compensation scheme vide section 357C of the code, which came into the statute books after the *Nibhaya* case¹¹ and recommendation of Justice Verma Committee is that of the treatment of victims. It states that all hospitals, public or private, irrespective of it being run by a Central or State Government or any local body or any person whatsoever, shall provide first-aid or medical treatment free of cost to the victims

⁹ 1996 AIR 922, 1996 SCC (1).

¹⁰ 1995 SCC(1) 14.

¹¹ *Mukesh v State for NCT of Delhi*, (2017) 6 SCC 1

of acid attack or rape or any aggravated form of rape defined under the Indian Penal Code, 1860 (The same verbatim definition of rape is also found in Bharatiya Nyaya Sanhita, 2023). The concerned medical institution or body/person as the case may be is statutorily duty bound to report such incident of rape or acid attack to the police. Non-performance of the duty as mandated under section 357C of the Code of Criminal Procedure, 1973 (corresponding to 397 of the BNSS, 2023) can make the institution or any place or person which discharges medical facility to be criminally liable under section 166B of the Indian Penal Code, 1860 (corresponding to section 200 of Bharatiya Nyaya Sanhita, 2023). Anybody liable for the non-treatment of victims shall be punished with imprisonment for a term which may extend to one year or with fine or both. That there is also provision under section 359 of the Code of Criminal Procedure, 1973 (corresponding to section 400 of BNSS, 2023) to provide cost in non-cognizable case to a victim of such offence. That such cost to victim can also be made by a court of appeal. Furthermore section 363(5) of the Code of Criminal Procedure, 1973 (corresponding to section 404(5) of BNSS, 2023) states that if any person is affected (victim included) by a judgment or order passed by a criminal court, that person shall on application and prescribed payment of fees be given a copy of such judgment or order of any deposition or other part of the record. Provided that a court may give free of cost any copy of order judgment or other part of the record to the person affected thereby for any special reason thereto. In *Nipun Saxena vs Union of India*¹², the Supreme Court noting drawbacks of existing scheme found it fit to direct the National Legal Service Authority (NALSA) to frame a scheme for victims of sexual offences including offences falling under the Protection of Children against Sexual Offences Act.

VI. Conclusion:

In India the Government is the biggest litigator. As democracy deepens, people become educated and are being aware of his rights, obligation and duties. It is unfortunate but National Crime Report Bureau data shows sharp increase in crime every year, and coupled with this is also what is worrying is the low conviction rate of crimes. One of the factors for the low conviction is that our courts and prosecutors are over burdened with case loads. There is no denying the fact that the primary duty of the State is to protect its citizen from internal

¹² Writ Petition (c) no 565 of 2012, dated 11th December 2018

disturbance and external aggression. Moreover to maintain law and order under our constitutional scheme, it's a state subject. With ever growing litigation I think the time is ripe for considering the proposal of inducting private counsel if the victim/informant wants so to conduct the case. There is no scope that by allowing private counsel to conduct even cognizable cases cases instituted on First information report independently the accused rights will be compromised. As because under the Code of Criminal Procedure, 1973 the Public Prosecutors or Assistant Public Prosecutors have no say investigation of the case and unfortunately, though not mandated by law, they invariably end up by siding with the side of the story of prosecution as the State is their appointing authority. The changes that have been brought in the Code of Criminal procedure post Justice Verma Committee report, have created two sets of victims. One set of victims those affected by sexual offences enjoy some better rights and the other set of victims have the limited rights as discussed herein before. Its time a proper scheme is mechanized for victims by our competent legislative bodies. On August 11, the central government introduced three Bills in the Lok Sabha to reform criminal law, one of which the Bharatiya Nagarik Suraksha Sanhita, 2023 if passed in the Lok Sabha will replace the Code of Criminal Procedure, 1973. That from a victim's point of view some significant changes are incorporated such as provision for Zero-FIR's and e- Fir. The police are to inform the victim about the progress of investigation within 90 days. In cases of sexual violence, statement of victim is to be recorded by a women magistrate. It seems a thing of bygone days where the all powerful State was the dominant factor as to what and how a criminal proceeding should proceed. Now a right of the victim as an individual and its relation with the State should also be an influencing factor in criminal administration of justice. The criminal justice system has been designed with the State at the Centre stage with other stake holders around it. The institutional arrangements and apparatus within which the victim has to walk to seek justice are skewed in favour of the rich and powerful. The new bill apart from the changes mentioned above does not have any new offering for the victim. Law and order is a State subject and so to further strengthen the case of the victim suitable legislation is expected from the State Legislature. As a society and a body polity it is the duty of the citizens to see that institution designed to augment justice must serve its constituents accordingly.