

ABSTRACT

RIGHTS OF THE ACCUSED

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“The rights of every man are diminished when the rights of one man are threatened”.

- John F. Kennedy

Accused is a person or group of persons who is charged with an attempt or commission of offense or is under-trial for attempt or commission of an offence. A specific legal definition of who an accused is not to be found in any code or statute, but in general terms an accused is a person charged with the infringement of law and if convicted for the offence to be punished. In India we follow the legal principle of ‘Presumption of Innocence’, which in simple terms means that a person is deemed to be innocent until proven guilty. This can be further quoted “thousand accused can be punished but one innocent shouldn’t be punished”. A person deemed to be innocent should not be deprived of the basic fundamental rights but should be given limited liberty. Rights of an accused is divided into two phases; first being the rights before the trial begins, second being the rights during the time of trial, last certain rights after the trial which depends upon the outcome of trial. The accused have rights like any other citizen of India, only the liberty given is restricted. There are certain rights provided to accused in India some of which are itself mentioned in the Grundnorm of the country i.e. The Indian Constitution.

Keywords: Accused, Rights, Legal Provisions, Procedure.